

# EXHIBIT 1

Artis Ellis

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IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

ARTIS ELLIS :  
Plaintiff, :  
vs. :  
EDUCATIONAL COMMISSION : C. A. No.  
FOR FOREIGN MEDICAL : 4:14-cv-02126  
GRADUATES, :  
Defendant. :

VIDEOTAPED DEPOSITION OF ARTIS ELLIS

Called as a witness by the Defendant, taken before  
Peggy Ann Antone, a Certified Shorthand Reporter in and  
for the State of Texas, on May 11, 2016, beginning at  
9:51 a.m., at the offices of Kennard Richard P.C., 2603  
Augusta Drive, Suite 1450, Houston, Texas, pursuant to  
the Federal Rules of Civil Procedure.

A P P E A R A N C E S

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ALSO PRESENT:

Barry Pett, Videographer, DepoTexas, Inc.

1 Q. He wasn't married.

2 A. Yes.

3 Q. Okay. Okay. And do they live in Harris  
4 County?

10:02 5 A. No.

6 Q. Okay. Brittani, how old is she currently?

7 A. 29.

8 Q. And Brendan?

9 A. 25.

10:02 10 Q. And Kaila?

11 A. 14.

12 Q. And Corey?

13 A. Corey is 20 -- I'm sorry. Corey is -- I think  
14 he's 20. I believe he's 20.

10:03 15 Q. Okay. And how about Keenan?

16 A. Keenan is 18.

17 Q. And did Brittani grow up in your household?

18 A. Brittani did grow up in my household.

19 Q. Okay. And -- and what is her father's name?

10:03 20 A. Her father's name is Troi Bryant.

21 Q. And did she also grow up in Mr. Bryant's home?

22 A. No, she did not grow up in Mr. Bryant's home.

23 Q. Did -- did she visit him or what -- how often  
24 would she visit Mr. Bryant?

10:03 25 A. She had court visitation to go every other

1 weekend and on holidays. I don't recall how often on  
2 holidays, because that's been such a long time.

3 Q. And was this up until she was 18 years old?

4 A. Well, the court visitation was up until 18, but  
10:04 5 I think at a certain period, the -- she stopped going,  
6 probably around 12.

7 Q. And you said court visitation. Are there court  
8 documents that are related to Mr. Bryant's paternity  
9 with Brittani?

10:04 10 A. It was a court order.

11 Q. Okay.

12 A. Uh-huh.

13 Q. And did you file a lawsuit, or how did that  
14 court order come about?

10:04 15 A. I think it was a child support order that was  
16 in place.

17 Q. Okay. And do you -- did you file something  
18 to -- to seek child support from Mr. Bryant?

19 A. The Attorney General.

10:04 20 Q. Attorney General did.

21 A. Uh-huh.

22 Q. Okay. On your behalf?

23 A. Yes.

24 Q. Okay. And -- and did he pay child support  
10:04 25 pursuant to that court order?

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1 A. I'm sorry?

2 Q. Betty LeHew was the same human resources person  
3 that still worked at ECFMG throughout your employment;  
4 correct?

10:35 5 A. Yes.

6 Q. And this Exhibit Number 2, it appears you  
7 applied for the assistant manager for the Houston center  
8 location?

9 A. Yes.

10:35 10 Q. And -- and you obtained that position?

11 A. Yes.

12 Q. And did you -- do you remember what month you  
13 started in that position?

14 A. I believe April.

10:35 15 Q. April of 2005?

16 A. Yes.

17 Q. And who was your supervisor?

18 A. John Repasch.

19 Q. And was he the center manager?

10:35 20 A. Yes.

21 Q. And did you interview with Mr. Repasch for that  
22 position?

23 A. I originally interviewed with Betty LeHew.

24 Q. Okay.

10:35 25 A. And then John Repasch.

1 Q. And was Mr. Repasch the center manager until  
2 the time that you were promoted to center manager?

3 A. Yes.

4 (Exb. No. 3 was marked.)

10:36 5 Q. (BY MS. O'DRISCOLL) I hand you Exhibit 3.  
6 This is ECFMG/Ellis 124, 125, and 126.

7 If you turn to the second page --

8 MR. KENNARD: I've got to step out for a  
9 second. You can continue.

10:36 10 MS. O'DRISCOLL: Do you want us to pause?

11 MR. KENNARD: No.

12 Q. (BY MS. O'DRISCOLL) If you turn to the second  
13 page, is -- are these the written references that you  
14 filled out on the job application for ECFMG?

10:37 15 A. On the second page?

16 Q. Yes, ma'am.

17 A. I don't see where it says references.

18 Q. Well, I'm sorry, work experience. I apologize.

19 A. Yes.

10:37 20 Q. Okay. And I just wanted to briefly touch on  
21 where you worked prior to the time that you applied at  
22 ECFMG.

23 I see Harris Counseling Services from March  
24 2004 to present, to March 2005, when you were applying;  
10:37 25 is that correct?

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1 A. That is correct.

2 Q. And Keenan, I'm just looking back at my list,  
3 is -- is one of your stepchildren.

4 A. That's correct.

10:48 5 Q. Through Mr. Ellis.

6 A. Uh-huh.

7 Q. Was there -- do you recall if there was  
8 anything -- strike that.

9 Was there anything in the court order with  
10:48 10 the attorney general's office that required Mr. Bryant  
11 to either carry Brittani for medical insurance or  
12 contribute in some way, costwise, to help with medical  
13 insurance?

14 A. When she was a minor?

10:49 15 Q. Well, during -- for the period of time that  
16 covered the court order; correct?

17 A. I don't recall.

18 Q. But you said that she did visit him every other  
19 weekend and holidays.

10:49 20 A. Yes.

21 Q. And do you remember if -- I know you have  
22 Brittani listed here, and her date of birth is March  
23 8th, 1987?

24 A. Yes.

10:49 25 Q. And I believe the date on this, it's -- the



1 effective date is May 1, 2005, on this designation.

2 A. Yes.

3 Q. Did you carry Brittani as a dependent at your  
4 employer prior to this?

10:49 5 A. Yes.

6 Q. And you said that Troi Bryant was Brittani's  
7 father.

8 Did you -- were you ever married to -- to  
9 Mr. Bryant?

10:50 10 A. No.

11 Q. And -- and when -- when were you -- when did  
12 you have a relationship with him?

13 A. I didn't have a relationship with Mr. Bryant.

14 Q. Okay. He is the father of your daughter.

10:50 15 A. Yes.

16 Q. And biologically.

17 A. Yes.

18 Q. And so there was some sort of a relationship;  
19 correct?

10:50 20 A. No.

21 Q. There was some sort of an encounter that  
22 resulted in a child; correct?

23 A. Yes.

24 Q. Okay. And -- and did that happen around 1986?

10:50 25 A. Yes.

1 you?

2 A. No, I did not.

3 Q. You did not?

4 A. No.

10:59 5 Q. Did you -- do you remember finding out -- how  
6 you found out that he came to work there?

7 A. I did not know that Mr. Bryant was working  
8 there until his actual orientation.

9 Q. At orientation?

10:59 10 A. Yes.

11 Q. And so do you help with the orientation?

12 A. I help with the -- yes, as the center manager,  
13 I was the only center manager there, so, yes, I would  
14 help with orientation.

11:00 15 Q. Okay. So prior to orientation, do you receive  
16 a list from human resources or your assistant or -- or  
17 somewhere so that you can -- that you find out who the  
18 new employees are?

19 A. At that particular time, I was out on leave,  
11:00 20 so, no, I did not know any of the new hires, and I was  
21 not part of the interviewing process.

22 Q. But you did -- you were there for his  
23 orientation, and you helped at the orientation.

24 A. I was there at the orientation, and yes, I  
11:00 25 helped at the orientation.

1 concern. He had already interviewed with John, had  
2 already -- John had already made an offer to him, and he  
3 was there to work.

4 Q. And did you supervise Mr. Bryant?

11:03 5 A. I supervised all employees.

6 Q. So is that a yes?

7 A. Yes.

8 Q. And -- and you approved raises for Mr. Bryant?

9 A. I approved raises for all employees.

11:03 10 Q. Including Mr. Bryant?

11 A. Including Mr. Bryant.

12 Q. And you approved Mr. Bryant's promotion to a  
13 full-time position?

14 A. No. I -- I mean, I -- I approved all  
11:03 15 promotions.

16 Q. Including Mr. Bryant's promotion.

17 A. Including Mr. Bryant's.

18 Q. Okay.

19 A. He was an employee.

11:03 20 Q. An employee under your supervision in Houston;  
21 correct?

22 A. As well as all the employees.

23 Q. But -- but you were supervising Mr. Bryant.

24 MR. KENNARD: Objection. Asked and  
11:04 25 answered.

1 Q. (BY MS. O'DRISCOLL) Is that a yes?

2 A. Can you repeat the question?

3 Q. You were supervising Mr. Bryant in the Houston  
4 center, the Houston center for ECFMG; correct?

11:04 5 A. I was the center manager, so I supervised all  
6 the employees.

7 Q. So that's a yes?

8 A. Yes.

9 Q. And do you remember how long Mr. Bryant worked  
11:04 10 for the company?

11 A. When did you say his start date was?

12 Q. November 3rd, 2008.

13 A. So somewhere about four years. Three to four  
14 years, I should say.

11:04 15 Q. And during that three to four-year period, you  
16 never mentioned to anyone at ECFMG that it was your  
17 daughter's father?

18 A. No.

19 Q. And as you sit here today, in retrospect, do  
11:05 20 you -- do you believe that you should have mentioned  
21 that to ECFMG?

22 A. I don't -- no, I don't think so.

23 Q. You don't see a reason to have mentioned that  
24 to -- to ECFMG management?

11:05 25 MR. KENNARD: Objection. Asked and

1 Q. (BY MS. O'DRISCOLL) You just let me know once  
2 you've finished reviewing that.

3 A. Okay.

4 Q. Under -- on the third page, in the bottom  
11:07 5 right-hand corner, it's ECFMG 146, at the top it says,  
6 "Responsibilities and Duties."

7 We were -- we were discussing your job  
8 duties as assistant center manager a little bit ago, and  
9 does this refresh your recollection about your job  
11:08 10 duties as assistant center manager for ECFMG?

11 A. Yes.

12 Q. And you understood that you were to assist  
13 management in operating the center, administering the  
14 standardized testing for medical students?

11:08 15 A. Yes.

16 Q. And making sure that the testing was secure?

17 A. Yes.

18 Q. And you also supervised all center staff under  
19 the direction of the center manager when Mr. Repasch was  
11:08 20 there?

21 A. Yes.

22 Q. And you also trained employees while you were  
23 an assistant center manager?

24 A. Yes.

11:08 25 Q. And did you have to train them on ECFMG

1 policies?

2 A. Yes.

3 Q. And would you also continue to -- to train  
4 employees and ensure that employees followed policies  
11:08 5 when you were promoted to center manager, as well?

6 A. No.

7 Q. It wasn't one of your responsibilities to -- to  
8 train and ensure that employees followed ECFMG policies  
9 while you were both assistant manager and center  
11:09 10 manager?

11 A. I would just have to refer back to the center  
12 manager's job responsibilities.

13 Q. So -- so you didn't consider it one of your job  
14 duties when you became a center manager to ensure that  
11:09 15 policies were followed at the company?

16 A. I would just need to refer back to the  
17 responsibilities as the center manager on the job  
18 description.

19 Q. Oh, you're saying you want to see the job --

11:09 20 A. Yes.

21 Q. I'm sorry. I thought you were saying you  
22 referred it to someone --

23 A. Huh-uh.

24 Q. -- else to handle. I apologize. Okay. I  
11:09 25 misunderstood.

1           A. So is that with -- as the center manager or  
2 assistant manager because you said earlier assistant  
3 manager.

4           Q. We're talking about assistant manager here.

11:11 5           A. Okay. Now, repeat one more time.

6           Q. So one of your job duties as assistant center  
7 manager was to ensure that the standards and procedures  
8 required by USMLE, that those were followed; correct?

9           A. Correct.

11:11 10          Q. And do you recall that you also had to do that  
11 as center manager, as well?

12          A. Yes.

13          Q. I'll mark as Exhibit 7 ECFMG 73 through 74.

14                   (Exb. No. 7 was marked.)

11:12 15          Q. (BY MS. O'DRISCOLL) And this letter -- let me  
16 know once you've reviewed it briefly.

17          A. Yes.

18          Q. And this is a letter dated October 27th, 2008,  
19 promoting you to acting center manager; is that correct?

11:12 20          A. Yes.

21          Q. Okay. And -- and that's your signature down at  
22 the bottom dated October 29th, 2008?

23          A. Yes.

24          Q. I'll mark as Exhibit 8 ECFMG/Ellis 75 through  
11:13 25 78.

1 (Exb. No. 8 was marked.)

2 Q. (BY MS. O'DRISCOLL) Take a moment to look at  
3 that. I believe that's your job description as center  
4 manager.

11:13 5 And let me know once you've finished taking  
6 a look at that.

7 A. Yes. Erin, yes.

8 Q. Okay. And that last page there, that's your  
9 signature signing the job description dated 10-27-08;  
11:14 10 correct?

11 A. That is correct.

12 Q. Okay. And as center manager for ECFMG, it was  
13 still your responsibility as center manager to implement  
14 and enforce the center policies; correct?

11:15 15 A. Yes.

16 Q. And it was also your job to ensure that exams  
17 were conducted in a secure fashion; correct?

18 A. That is correct.

19 Q. Okay. And it was your job -- it was -- it  
11:15 20 continued to be your job to implement policies and  
21 procedures at ECFMG.

22 A. Yes.

23 Q. To ensure that they were followed by all the  
24 employees?

11:15 25 A. Yes.



1 bigger time of -- time span that happened?

2 A. It was rescheduled a couple of weeks.

3 Q. Okay. So just a couple of weeks?

4 A. Uh-huh.

11:28 5 Q. So you -- did you actually take FMLA leave to  
6 assist him with that?

7 A. With the first one?

8 Q. With the kidney transplant, yes, ma'am.

9 A. I was his donor.

11:29 10 Q. Okay. So you -- you took FMLA leave as his  
11 donor when -- and I said "his," meaning your husband,  
12 when he was getting a kidney transplant?

13 A. Yes.

14 Q. And did you go out on leave when it was  
11:29 15 initially scheduled?

16 A. Yes.

17 Q. And do you remember why it was canceled?

18 A. Because my doctor was not available.

19 Q. And you applied for FMLA leave through ECFMG to  
11:29 20 assist your husband with that transplant; correct?

21 A. Correct.

22 Q. And there wasn't any FMLA request that was  
23 denied related to that incident; correct?

24 A. No.

11:29 25 Q. And do you remember how long you went out on

1 A. No.

2 Q. I'll mark as Exhibit 10 ECFMG/Ellis 360 through  
3 368.

4 (Exb. No. 10 was marked.)

11:32 5 Q. (BY MS. O'DRISCOLL) If you could just take a  
6 brief look at this document.

7 Have you -- and -- and once you take a  
8 brief look at it, let me know if you've ever seen this  
9 document before.

11:32 10 A. The -- Troi's application or the ECFMG  
11 application?

12 Q. Yes, ma'am. Troi's application.

13 A. No, I've never seen it.

14 Q. But you recognize the form that ECFMG uses?

11:32 15 A. I do recognize the form.

16 Q. Okay. And you see there in the upper  
17 right-hand corner, on 0360, date of application,  
18 11-4-08?

19 Do you see that?

11:33 20 A. I do see that.

21 Q. And that was shortly after you were promoted to  
22 center manager; correct?

23 A. That is correct.

24 Q. You were promoted on October 27th, 2008;  
11:33 25 correct?

1 A. That is correct.

2 Q. And if you go a little bit further down, it  
3 looks like Mr. Bryant was applying for the standardized  
4 position patient -- I'm sorry -- standardized patient  
11:33 5 position; is that correct?

6 A. Yes.

7 Q. And what does a standardized patient do?

8 A. They work in the exam. But remember that this  
9 is just an application. This does not mean that he was  
11:33 10 hired. It just means that he applied for that position.

11 Q. Okay.

12 A. On that particular day.

13 Q. Okay. Fair enough. Okay.

14 And if you look a little bit further down,  
11:34 15 where it says, "How did you learn about Step 2 CS?"

16 A. Uh-huh.

17 Q. Do you know what step 2 CS means?

18 A. Yes.

19 Q. What does that mean?

11:34 20 A. Step 2 clinical exam.

21 Q. Okay. CS?

22 A. CS means clinical exam.

23 Q. Okay. Okay. And it says, "How did you learn  
24 about Step 2?"

11:34 25 And it says, "Relative.

1 "Who?

2 "Jackie Bryant."

3 A. Yes.

4 Q. And who is Jackie Bryant?

11:34 5 A. Jackie Bryant is Troi Bryant's wife.

6 Q. And did Ms. Bryant also work for ECFMG?

7 A. She did.

8 Q. And do you remember when she -- when she  
9 started working for ECFMG?

11:34 10 A. I do not recall when she started working with  
11 ECFMG.

12 Q. And did you hire her?

13 A. She -- I did --

14 Q. Okay.

11:34 15 A. -- hire Jackie Bryant.

16 Q. And when you hired Ms. Bryant, did you let  
17 anybody at ECFMG know that you were hiring your  
18 daughter's stepmother?

19 A. No, because I don't have a relationship or no  
11:35 20 relations with them, so I just believed that you should  
21 get a job based on your abilities and your skills, not  
22 because of who you know. So I am related to my  
23 daughter, not to Troi or Jackie. I have no family  
24 relations to either of them.

11:35 25 MS. O'DRISCOLL: Objection to the

1 speculation and infers facts not in evidence.

2 MS. O'DRISCOLL: Counsel, can you explain  
3 your basis?

4 MR. KENNARD: Sure. Stepmother. To the  
11:36 5 extent that you're using the term stepmother, we -- no  
6 one has established whether or not that moniker has ever  
7 been utilized by the witness or anyone else for that  
8 matter. So I -- my objection is strictly and primarily  
9 to your assertion that this individual is a stepmother  
11:36 10 without providing a basis for what a stepmother is or is  
11 not.

12 Q. (BY MS. O'DRISCOLL) As you testified  
13 previously, Jackie Bryant is the wife of Troi Bryant;  
14 correct?

11:37 15 A. That is correct.

16 Q. And Jackie Bryant lives with Troi Bryant?

17 A. Yes.

18 Q. As his wife.

19 A. Yes.

11:37 20 Q. And your daughter, Brittani Bryant; correct, is  
21 Brittani Bryant; correct?

22 A. She's Brittani Davis.

23 Q. Okay. And her maiden name is Bryant; correct?

24 A. Yes.

11:37 25 Q. And you've already testified that Troi Bryant

1 is her father; correct?

2 A. Yes.

3 Q. And when Brittani would go and visit her father  
4 every other week, would she go and stay in the same home  
11:37 5 with Jackie Bryant and Troi Bryant?

6 A. Yes.

7 Q. And what -- how would Brittani refer to  
8 Mrs. Bryant?

9 A. As Jackie.

11:37 10 Q. And do you consider Jackie to be -- to be  
11 Brittani's stepmother?

12 A. Jackie's Troi's wife, yes.

13 Q. So that's a yes?

14 A. Yes.

11:38 15 Q. Okay. Okay.

16 A. Troi is someone I --

17 Q. If you -- if you -- if you could just answer  
18 the questions when I ask them. Okay?

19 A. Thank you.

11:38 20 Q. Okay.

21 MR. KENNARD: Were you still attempting to  
22 answer the previous question?

23 THE WITNESS: Yes.

24 MR. KENNARD: If so, I would ask counsel to  
11:38 25 allow the witness to fully complete her answer to the

1 question that was posed before cutting her off and not  
2 allowing her to complete her thoughts and complete her  
3 answer to counsel's previous question.

4 MS. O'DRISCOLL: The plaintiff answered my  
11:38 5 question.

6 MR. KENNARD: Well, you thought she did,  
7 but she clearly did not and was thinking about it and  
8 was not done.

9 Did you finish answering the question?

11:38 10 THE WITNESS: I -- I wasn't, but --

11 MS. O'DRISCOLL: Okay.

12 MR. KENNARD: Okay. So then you should be  
13 allowed to answer the question.

14 Q. (BY MS. O'DRISCOLL) So is there something more  
11:39 15 you'd like to add to your answer, in addition to the  
16 fact that Ms. Bryant was considered to be Brittani's  
17 stepmother?

18 A. Troi was just a -- not even a boyfriend in high  
19 school.

11:39 20 Q. A boyfriend of whom?

21 A. Not -- not even -- I'm saying, not even a  
22 boyfriend in high school. It was someone I had an  
23 encounter with.

24 Q. A sexual encounter.

11:39 25 A. Yes.

1 Q. That resulted in the birth of your daughter.

2 A. Yes.

3 Q. Okay.

4 MR. KENNARD: Are we still at -- are we  
11:39 5 answering more -- did you finish answering the last  
6 question?

7 THE WITNESS: About Jackie?

8 MR. KENNARD: Yes.

9 THE WITNESS: Yes.

11:39 10 MR. KENNARD: Okay. All right.

11 Q. (BY MS. O'DRISCOLL) And -- and you hired  
12 Jackie Bryant --

13 A. Yes.

14 Q. -- when she came to work at ECFMG?

11:39 15 A. Yes.

16 Q. And do you remember when she was hired?

17 A. I do not.

18 Q. Okay. And Troi Bryant, do you know -- do you  
19 know if Troi Bryant knew that you worked at ECFMG when  
11:39 20 he applied to the company?

21 A. I'm sure he did because Jackie worked there.

22 Q. And were there Christmas parties at ECFMG?

23 A. Yes.

24 Q. Was it -- was that an annual tradition?

11:40 25 A. Yes.



1 A. Yes.

2 Q. Okay.

3 MR. KENNARD: I apologize. There's some  
4 electrical work happening in the suite, so there will be  
11:41 5 random noises.

6 Q. (BY MS. O'DRISCOLL) And do you recall -- when  
7 Mr. Bryant applied for this position, do you recall  
8 Jackie Bryant mentioning to you that Troi applied for a  
9 position?

11:41 10 A. Jackie never mentioned to me that Troi applied  
11 for a position.

12 Q. And -- and you previously testified that you  
13 first realized that Mr. Bryant had been hired when you  
14 saw him at orientation and you were performing  
11:42 15 orientation as center manager; correct?

16 A. That is correct.

17 Q. Okay. I'll mark as Exhibit 11 ECFMG 369  
18 through 370.

19 (Exb. No. 11 was marked.)

11:42 20 Q. (BY MS. O'DRISCOLL) If you could just take a  
21 brief look at that document, Ms. Ellis. Just let me  
22 know when you've looked at it.

23 A. Okay.

24 Q. And is this the -- the new employee form that  
11:43 25 was used at ECFMG regularly?

1 A. This is.

2 Q. And on the second page, ECFMG 370, at the -- at  
3 the top of that page, is that your signature dated  
4 November 3rd, 2008?

11:43 5 A. This is my signature.

6 Q. Dated November 3rd, 2008?

7 A. Yes.

8 Q. Okay. And so this is the new hire document for  
9 Mr. Bryant and -- and you signed off on it as center  
11:43 10 manager.

11 A. Yes. But this is -- I don't fill out. I don't  
12 do any of the HR paperwork, the SPOS. So this is not  
13 my -- SPOS used to do all the HR paperwork before I  
14 would do the all the -- before the center manager would  
11:43 15 do the human -- I'm sorry -- the -- the introduction to  
16 the -- for the new hires to the center. They would do  
17 the tour, they would introduce them to the trainers,  
18 they will show a slide show. So I did not do -- this  
19 is -- all of this on the first sheet is not my -- my  
11:44 20 writing.

21 Q. Understood. Understood. But the second  
22 page --

23 A. That is my signature.

24 Q. Okay.

11:44 25 A. And that is my date.

1 Q. Okay. And -- and you're listed as hiring  
2 manager; correct?

3 A. Because I was the only manager.

4 Q. Okay. For the center in Houston.

11:44 5 A. For the center in Houston.

6 Q. Okay. And you knew that -- but you knew that  
7 you were signing a new hire document for Mr. Bryant;  
8 correct?

9 A. And all the other employees that was hired on  
11:44 10 that particular day.

11 Q. Okay. Including Mr. Bryant.

12 A. Including Mr. Bryant.

13 Q. Okay. And is it your testimony that this  
14 document would be completed prior to the orientation?

11:44 15 A. This document is completed during the  
16 orientation.

17 Q. During the orientation. Okay.

18 So -- so you may have signed this document  
19 on or about the same day that you were conducting the  
11:44 20 orientation for Mr. Bryant?

21 A. It was signed on the day of orientation.

22 Q. Okay. Okay. And he was hired in as a  
23 nonexempt position on an as-needed basis as a  
24 standardized patient?

11:45 25 A. Yes.

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1 Q. Okay. Did he ever indicate to you that -- that  
2 he wanted to get promoted to a full-time position?

3 A. He did not.

4 Q. Is it your understanding that at a later date  
11:45 5 that he did get promoted to -- to a full-time position?

6 A. Yes.

7 Q. And did you have to approve that promotion?

8 A. Yes.

9 Q. And --

11:45 10 A. But, let me clarify --

11 Q. Sure.

12 A. -- that he would -- he did send his application  
13 or his intent to HR, and he did not have to let me know  
14 that he was applying for a full-time position.

11:45 15 Q. Okay. But you -- but you would approve that?

16 A. After HR will do the first round of interviews,  
17 and then they will let me know who their top three  
18 candidates were.

19 Q. Okay. And then of the top three candidates,  
11:46 20 when -- when he was applying for the full-time position,  
21 you chose him.

22 A. Along with my assistant manager.

23 Q. Okay. And was that Brent Bates at the time?

24 A. Yes.

11:46 25 Q. Okay. Mark as Exhibit 12 ECFMG/Ellis 371

1 Q. (BY MS. O'DRISCOLL) And this is an offer  
2 letter to Mr. Bryant dated November 3rd. Tell me if I'm  
3 reading this correctly. In the first bullet, it says,  
4 "You will report directly to Artis Ellis, Acting Center  
13:02 5 Manager"; correct?

6 A. Acting center manager.

7 Q. I read that correctly?

8 A. Yes.

9 Q. Okay. And then the second bullet says, "Your  
13:02 10 start date will be November 3rd, 2008"; is that correct?

11 A. Correct.

12 Q. And then if you scroll down --

13 MR. KENNARD: Can you go up again one  
14 second?

13:02 15 MS. O'DRISCOLL: Uh-huh.

16 MR. KENNARD: Up more.

17 MS. O'DRISCOLL: Up more?

18 MR. KENNARD: Right there is fine. Okay.  
19 Got it.

13:02 20 Q. (BY MS. O'DRISCOLL) And then if we -- if we  
21 scroll down, midway through it looks like it gives his  
22 orientation and workshops and that SP, standardized  
23 patient orientation is November 3rd, 2008, which  
24 coincides with what your recollection was, that he  
13:02 25 did -- he did orientation that day, on November 3rd;

1 correct?

2 A. Correct.

3 Q. And then if you scroll -- and this is his offer  
4 letter to -- as his hire for ECFMG, on the last page, if  
13:03 5 you scroll down, this is an offer letter signed by you.

6 A. Yes. But, remember, I was just rubber stamping  
7 letters. I did not complete these letters. These were  
8 done by the SPOS.

9 Q. Okay. But you knew that you were signing an  
13:03 10 offer letter for Mr. Troi Bryant.

11 A. Yes.

12 Q. As a new -- as a new hire.

13 A. Yes.

14 Q. Okay. Okay. And then if we --

13:03 15 MR. KENNARD: What Exhibit Number is this?

16 MS. O'DRISCOLL: I'm sorry. This -- this  
17 is going to be -- this is Exhibit 15, and I will --

18 MR. KENNARD: Has this been previously  
19 produced?

13:03 20 MS. O'DRISCOLL: This is the document that  
21 was -- this has not been previously produced.

22 MR. KENNARD: Okay. I'm again going to  
23 object to its usage as it hasn't been previously  
24 produced. Will you be submitting --

13:03 25 MS. O'DRISCOLL: We'll send -- yeah, we'll

1 send you a Bates-labeled copy.

2 And this, of course, is discovery still  
3 open, and we'll -- we'll -- we're going to supplement  
4 the production with this document.

13:04 5 MR. KENNARD: Sure. My only concern is  
6 that if it was pertinent to the deposition that it would  
7 have been produced prior to the deposition so that  
8 counsel for plaintiff could have reviewed it instead of  
9 being what -- counsel is not accusing of being  
13:04 10 blindsided, but we would have -- it would have been  
11 preferable to have this documentation before today's  
12 date so that all parties could have reviewed it prior  
13 to. So that is the purpose of my objection, but please  
14 proceed.

13:04 15 MS. O'DRISCOLL: Thank you. Thank you,  
16 Counsel.

17 (Exb. No. 15 was marked.)

18 Q. (BY MS. O'DRISCOLL) So with regard to  
19 Mr. Bryant, he started in -- in the fall at ECFMG of  
13:04 20 2008 while you were acting center manager -- center  
21 manager; correct?

22 A. That is correct.

23 Q. Okay. That was 15. So Exhibit 16 is going to  
24 be Ellis 233 to -- through 239.

13:05 25 (Exb. No. 16 was marked.)

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1 Q. (BY MS. O'DRISCOLL) And if you would just take  
2 a moment. This is a document that your lawyer produced  
3 to us, as indicated by the Bates-labeled version at the  
4 bottom of these documents. And just let me know once  
13:05 5 you've refreshed your memory on this document.

6 And we're going to walk through it in  
7 detail, so I just want to --

8 A. Yes.

9 Q. Whenever you're ready.

13:06 10 A. I'm ready.

11 Q. Okay. So if you'd turn to the last page, Ellis  
12 239, which appears to be the beginning of this e-mail  
13 chain --

14 A. Yes.

13:06 15 Q. -- am I correct, this is an e-mail exchange  
16 between you at your e-mail, AFHarden@Yahoo.com, with  
17 John --

18 A. Repasch.

19 Q. Repasch, who was your former center manager  
13:06 20 that -- that is still with the company, ECFMG, and  
21 transferred to Philadelphia; correct?

22 A. Correct.

23 Q. Okay. And so the date on this e-mail exchange  
24 is -- looks like it's over the course of a couple of  
13:07 25 days, February 20th, 2014, and through February 21st,



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1 2014; am I correct?

2 A. Yes, you are correct.

3 Q. And -- and that's subsequent to the time that  
4 you left the company, ECFMG. It's after -- these --  
13:07 5 this e-mail exchange is after you were already a former  
6 employee.

7 A. Yes.

8 Q. Okay. So if you look at the -- the last page,  
9 which -- which starts -- sorry -- the second to last  
13:07 10 page, it starts at the very bottom, February 20th at  
11 1:39 p.m., John Repasch wrote, "Hey Artis, Thanks for  
12 sharing the pictures. They looked wonderful and I hope  
13 everything went well. I need to ask you a serious  
14 question."

13:07 15 Is that -- did I read that accurately?

16 A. Correct.

17 Q. And it looks like there's some of this exchange  
18 that's discussing Brittani, your daughter, yours and  
19 Mr. Bryant's daughter, her wedding; correct?

13:08 20 A. Yes.

21 Q. Okay. So if you go, at the bottom of 237, on  
22 February 21st, 2014, at 6:52 a.m., John asks, "Is Troi  
23 Brittani's father?"

24 Did I read that correctly?

13:08 25 A. Yes.

1 Q. And this -- and during the exchange, you  
2 describe how Brittani -- you and -- and Mr. Troi -- I'm  
3 sorry -- Troi Bryant had an encounter and -- and that  
4 Brittani was born back after prom night; is that  
13:08 5 correct?

6 A. That is correct.

7 Q. Okay. And -- pardon?

8 MR. KENNARD: I just said, prom night. Got  
9 to be careful on prom night.

13:09 10 Q. (BY MS. O'DRISCOLL) So with this, at the  
11 bottom of the second page, it's a long e-mail chain  
12 discussing this, where Mr. Repasch is asking you about  
13 Brittani's father. You say, on February 21st, which is  
14 at Ellis 234, you state -- and, actually, if you would  
13:09 15 read that document.

16 A. I don't know where you're at.

17 Q. On 234 is at the bottom on February 21st.

18 A. 234? You saying Bates number 234?

19 Q. Yes.

13:09 20 A. On Friday, 2-21-14?

21 Q. Yes.

22 A. Here -- starting with "Here's the deal"?

23 Q. Yes.

24 A. Okay. "Here's the deal. Yes, Troi's  
13:09 25 Brittani's biological father. I met my ex -- ex-husband

1 second, I have a" 25 "year old stepdaughter and a 40  
2 year old wife... do the math. And like Patty, I have  
3 always had a tremendous respect for you because you  
4 worked hard to build yourself up while raising three  
13:13 5 amazing children.

6 "BUT, I wish you had been straight with me  
7 when we hired Jackie. I can't say, knowing this  
8 information now, whether we would have hired Troi, but  
9 we could have at least cleared either of their hiring  
13:13 10 with Hite and HR."

11 And Hite was the head of ECFMG at the time;  
12 correct?

13 A. Not --

14 Q. Betty Hite?

13:14 15 A. She wasn't the head. She was our director.

16 Q. Was the director.

17 A. Yes.

18 Q. That was who you-all reported to at the time.

19 A. Yes.

13:14 20 Q. Okay. "Doing that would have eliminated any  
21 appearance of conflict of interest or that you had tried  
22 to hide your relationship with them. And you have to  
23 know from other people's perspective that's how it  
24 appears to them. I hope" that "makes sense."

13:14 25 And then you respond to that; correct? You

1 respond to that e-mail on the front of the first page on  
2 February 21st, 2014.

3 A. Yes.

4 Q. Okay. And in this response to -- to

13:14 5 Mr. Repasch, you state, "Just for the record....I wasn't  
6 hiding anything from you, I really couldn't see the  
7 problem. Now I can see your point how someone could  
8 have perceived malice intent."

9 Did I read that correctly?

13:15 10 A. I -- I think you're missing a whole lot of  
11 other things, too, Erin. I also said, "You have no idea  
12 how much shame I dealt with about" the "pregnancy." I  
13 was a 18-year-old girl that went to a prom that had a  
14 one-night stand and got pregnant. I did not abort my  
13:15 15 child. I had a baby. I was very young. And then right  
16 after that, I kind of grew up. I went to school, tried  
17 to make a difference for myself. And I was also  
18 explaining to that. That was John's point of view, and  
19 I said, yeah, okay, if that's what -- how other people  
13:15 20 have seen that, hey, I can -- yeah, I can see maybe how  
21 their point of view could have been taken, but now I'm  
22 over 40. My daughter, by the time Troi came there, she  
23 had already graduated with a degree. There was nothing  
24 to gain. So, no, I -- I mean, I -- I still don't think  
13:15 25 that hiring Troi or being part of that, I'm not going to

1 associate myself with that.

2 Q. Okay. So even though the policy at ECFMG  
3 was -- was not to have direct reporting relationships  
4 and hiring decisions and promoting decisions and  
13:16 5 evaluations performed by folks that are related by  
6 blood, that -- or that have similar relationships.

7 A. I'm not --

8 MR. KENNARD: Hold on. I'm going to  
9 object. Assumes facts not in evidence. A compound  
13:16 10 question. And misstates previous testimony.

11 Q. (BY MS. O'DRISCOLL) So this would be a good  
12 time, we'll look at the policy that ECFMG has. I'm  
13 going to mark this as Exhibit 17.

14 (Exb. No. 17 was marked.)

13:16 15 Q. (BY MS. O'DRISCOLL) And I know you've seen  
16 this policy before.

17 This is ECFMG/Ellis 356-357. And the title  
18 of this document is "Employment of Relatives and  
19 Relationships in the Workplace."

13:16 20 Did I read that correctly?

21 A. Yes.

22 Q. And -- and this is a policy that you were  
23 familiar with at ECFMG; correct?

24 A. Correct.

13:17 25 Q. And you were aware that this policy existed

1 both while you were assistant center manager as well as  
2 while you were the center manager; correct?

3 A. That is correct.

4 Q. Okay. Roman numeral I for the -- states that  
13:17 5 the policy -- "It is the policy of ECFMG to regulate the  
6 working and reporting relationships of individuals who  
7 are related by blood, adoption, marriage, or domestic  
8 partnership, affianced or significant other in order to  
9 avoid real or perceived conflicts of interest,  
13:17 10 influence, or favoritism."

11 And that's the conflict of interest that  
12 you and John were discussing on that e-mail; correct?

13 A. That is not.

14 Q. It's not?

13:17 15 A. No.

16 Q. How -- how is that not?

17 A. Because I am not related to Troi Bryant by  
18 blood, adoption, marriage, domestic partnership,  
19 affianced, significant others, in order -- by no means  
13:17 20 am I related to him. I am -- I am the mother of  
21 Brittani Bryant, not Troi Bryant or Jackie Bryant.

22 Q. And, again, Troi Bryant was paying child  
23 support through the attorney general's office and -- and  
24 as Brittani's father to this day, and during the time he  
13:18 25 worked with -- worked for ECFMG; correct?

1 calls for a legal conclusion and assumes facts not in  
2 evidence.

3 Q. (BY MS. O'DRISCOLL) As center manager and  
4 assistant manager of ECFMG, we've already established  
13:19 5 that it was your job to educate employees and ensure  
6 that policies were followed at the Houston center;  
7 correct?

8 A. Yes.

9 Q. And you understand that this policy was in  
13:19 10 place during the entire duration of your employment at  
11 ECFMG; correct?

12 A. Correct.

13 Q. And when you read the definition of significant  
14 other, as -- as the leading person and the second in  
13:20 15 command at the Houston ECFMG, is it your testimony that  
16 you're telling the judge and jury that you did not  
17 consider a co-parenting relationship to be a significant  
18 other relationship covered by this policy? Is that your  
19 testimony?

13:20 20 MR. KENNARD: Objection. Calls for  
21 speculation. Assumes facts not in evidence, and is  
22 misleading as to the term co-parenting.

23 You may answer if you're able to.

24 Q. (BY MS. O'DRISCOLL) I'll break that down into  
13:20 25 five questions, and we'll -- we'll be here for the full

1 MR. KENNARD: Was that -- I'd ask that the  
2 witness not be harassed or harangued when she's trying  
3 to answer a question.

4 Was that in response to her last question?

13:24 5 THE WITNESS: Yes.

6 Q. (BY MS. O'DRISCOLL) There was not a question  
7 pending.

8 MR. KENNARD: She -- again, you may not --  
9 you may not like the answer, but it is -- I just asked  
13:24 10 the witness if it's a continuation of her previous  
11 response and she said, yes. You've got to remember this  
12 is someone that's had brain surgery and may not be as  
13 quick to respond as we may otherwise as attorneys be  
14 accustomed to. So I would ask that we provide the  
13:24 15 witness with the appropriate deference and respect. And  
16 if she is slow to answer at times, that is part of what  
17 we deal with when deposing a witness in -- in her  
18 condition, so I ask that we be patient. Thank you.

19 MS. O'DRISCOLL: And as you well know, I've  
13:24 20 been very, very patient throughout this entire day.

21 MR. KENNARD: I like you, Erin, you're a  
22 good person.

23 Q. (BY MS. O'DRISCOLL) And assuming --  
24 assuming -- regardless of what, as you sit here right  
13:24 25 now, and -- and we're mincing the definition of



1 relationship, letter D on the second page specifically  
2 spells out that a failure to disclose can result in  
3 termination; correct?

4 A. It says may be grounds for termination of  
13:25 5 employment.

6 Q. Can or may; correct?

7 A. May.

8 Q. And -- and -- and so termination, a failure to  
9 follow this policy can -- may result in termination.

13:25 10 A. Correct.

11 Q. Okay. And -- and this policy, was it posted on  
12 the intranet, or where would one -- where did you see  
13 this policy at ECFMG?

14 A. We had a hard copy.

13:25 15 Q. Okay.

16 A. As well as the intranet.

17 Q. Okay. And it's also mentioned in the handbook  
18 as well; correct?

19 A. Correct. But keep in mind, Erin, because I  
13:26 20 feel like strongly why we're here today is because I did  
21 not violate this policy.

22 Q. Okay.

23 A. Because Troi was not related to me.

24 Q. Under -- understood. But if ECFMG interpreted  
13:26 25 him as being -- having a significant relationship and

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1 time is approximately 1:42. We're on the record.

2 Q. (BY MS. O'DRISCOLL) Okay. Ms. Ellis, we were  
3 talking about your FMLA leave -- leaves at --

4 THE VIDEOGRAPHER: Microphone.

13:42 5 Q. (BY MS. O'DRISCOLL) We were talking about your  
6 FMLA leaves at ECFMG just prior to the break, and I want  
7 to look at -- after the January, 2012, leave that you  
8 took for your -- for your husband, for his kidney, did  
9 you take another leave after that, another FMLA leave?

13:43 10 A. You going to show me something?

11 Q. Did you take another leave after that?

12 A. I took one for myself.

13 Q. Okay. And that was in the fall of 2012?

14 A. Yes.

13:43 15 Q. Okay. Take a look at Exhibit 19, ECFMG 390  
16 through 396.

17 (Exb. No. 19 was marked.)

18 Q. (BY MS. O'DRISCOLL) I believe these are the  
19 leave documents that you filled out, you and/or your  
13:43 20 physicians filled out related to that leave for yourself  
21 in -- in 2000 -- the fall of 2012. So let me know when  
22 you've finished looking at those documents.

23 A. This was a package. It's incomplete, but --

24 Q. Okay. We're going to look at the documents  
13:44 25 that we have.

1 brain."

2 Is that what that says?

3 A. Yes.

4 Q. Okay. And it says, "I need" the "Leave of  
13:45 5 Absence to begin" -- "to begin" and you filled in  
6 September 12th, 2012, to October 22nd, 2012; is that  
7 correct?

8 A. That is correct.

9 Q. Now, on the next page, this is entitled  
13:45 10 "Request for Short Term Disability."

11 Is this also your handwriting?

12 A. Yes.

13 Q. Except for Sharon's signature?

14 A. Yes.

13:45 15 Q. Okay. And this is where you agreed to receive  
16 short-term disability for 80 percent of your salary?

17 A. Yes.

18 Q. And, in fact, you did receive that short-term  
19 disability through Sun Life; correct?

13:46 20 A. That is correct.

21 Q. Now, if you'd go to the next page, this is a  
22 continuation of the FMLA documents, and with each  
23 section it appears that someone different fills it out.

24 Am I -- am I interpreting that correctly?

13:46 25 A. That is correct.

1 Q. So the top section it says, "Completion by the  
2 EMPLOYER"; correct? In the -- in the top section on  
3 392, it says, "Section 1: For Completion by the  
4 EMPLOYER"?

13:46 5 A. Yes.

6 Q. And then it says, "Section 2: For Completion  
7 by the EMPLOYEE"; is that right?

8 A. Yes.

9 Q. And then "Section 3: Completion by the HEALTH  
13:46 10 CARE PROVIDER"; is that right?

11 A. Yes.

12 Q. So the health care provider in that bottom  
13 section, how do you -- how do you pronounce your -- is  
14 it -- your doctor, Daniel?

13:47 15 A. Yoshor.

16 Q. Yoshor. So he was your physician for  
17 neurosurgery in this -- for this FMLA leave?

18 A. He was the surgeon.

19 Q. Okay. And that's his -- and then do you know  
13:47 20 who -- for the completion by the health care provider on  
21 the bottom of that page, do you know who filled that out  
22 at the physician's office?

23 A. No.

24 Q. Do you know how they were given this document?

13:47 25 A. Joe Plush e-mailed it to, I believe, his nurse.

1 have treatment visits at least twice per year due to the  
2 condition"? And it says, "No."

3 A. Correct.

4 Q. "Was medication, other" -- "other than  
13:50 5 "over-the-counter medication, prescribed?" And it says,  
6 "No."

7 A. Correct.

8 Q. The next line says, "Was the patient referred  
9 to other health care provider(s) for evaluation or  
13:50 10 treatment?" And they checked, "No."

11 A. Correct.

12 Q. So -- so that -- I correctly read all of that.

13 A. Correct.

14 Q. Now, obviously the -- the question about  
13:50 15 pregnancy doesn't apply here.

16 Now, number 3, tell me if I read this  
17 correctly -- "Use the information provided by the  
18 employer in Section 1 to answer this question. If the  
19 employer fails to provide a list of the employee's  
13:51 20 essential functions or a job description, answer these  
21 questions based upon the employee's own description of  
22 his or her job functions."

23 And the question: "Is the employee unable  
24 to perform any of his or her job functions due to...  
13:51 25 condition?" And you check, "No," or "Yes," and they

1 A. -- this was during the visit of -- this was  
2 very early on. So the doctors after the surgeon saw me,  
3 because when this was completed, I still had a team of  
4 doctors that still had to sign off on me.

13:53 5 Q. Okay.

6 A. So I didn't see the surgeon after -- you know,  
7 if everything was going okay, then he was -- he signed  
8 off on me, but the other team of doctors still had to  
9 see me.

13:53 10 Q. Okay.

11 A. The neurologist and endocrinologist.

12 Q. Understood. Understood.

13 And -- and the next page, it has the  
14 physician's signature dated, dated, I think what you  
13:53 15 were getting at, September 25th, 2012.

16 A. Yes.

17 Q. Okay. And then if you turn to the next page,  
18 it's the designate -- designation notice, where it says,  
19 "Your FMLA leave request is approved. All leave taken  
13:54 20 for this reason is designated as FMLA leave," in that  
21 box -- and that line is checked.

22 And this is the -- this is the approval  
23 notice that you received for FMLA; correct?

24 And this is Bates number ECFMG 396.

13:54 25 A. I don't know, because I've seen so many forms,

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1 so there may be another form for approval.

2 So do you have any more?

3 Q. I do not, for approval, but I wanted to -- I  
4 wanted to go further down.

13:54 5 This -- this is the approval for September  
6 12th, 2012, through October 22nd, 2012, provided there's  
7 no deviation.

8 That's what this notice says; correct?

9 A. That is correct.

13:54 10 Q. And then if you go further down, it says,  
11 "Please be advised," and there's two Xs in that section,  
12 there's an X next to "We are requiring you to substitute  
13 or use paid leave during your FMLA leave," and you  
14 understood that to be the case; correct, that you were  
13:55 15 using paid leave during your FMLA leave?

16 A. No.

17 Q. You did not?

18 A. No. I was using short-term -- short-term  
19 disability.

13:55 20 Q. And FMLA leave.

21 A. And FMLA.

22 Q. And then the second box that's checked, "You  
23 will be required to present a fitness-for-duty  
24 certificate to be restored to employment."

13:55 25 And you understood that?

1 A. Yes.

2 Q. To come -- to come back to work, you had to  
3 have a fitness for duty from your physician.

4 A. Yes.

13:55 5 Q. Okay. Now, I wanted to look at another -- we  
6 can look at the documents related to FMLA that your  
7 lawyer produced, as well, because I think that might be  
8 what you're referring to.

9 Mark this as Exhibit 20 PCF -- I'm sorry --  
13:56 10 Ellis 005 through 0024. And this is a -- this is a  
11 group of documents that your lawyers produced to us that  
12 has short-term disability documents as well as some of  
13 the FMLA documents. This is the -- the group of  
14 documents that were sent to us.

13:57 15 And some of them we just looked at were the  
16 FMLA documents, so this is going to touch on both  
17 your -- your short-term and your FMLA.

18 (Exb. No. 20 was marked.)

19 Q. (BY MS. O'DRISCOLL) Now, on this first page,  
13:57 20 the Sun Life insurance -- Life Assurance Company, that's  
21 who you received your short-term disability from;  
22 correct?

23 A. Yes.

24 Q. And is that your handwriting on this first  
13:57 25 page, Ellis 005?



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1 A. That is my handwriting.

2 Q. Okay. And did you have to mail this packet in  
3 or fax it, do you know, to Sun Life?

4 A. I just recall -- what I do recall and what I  
13:58 5 can testify is that it was kind of last-minute, because  
6 this was an emergency surgery. And I recall that it was  
7 just kind of a lot of static trying to get this done, so  
8 I don't remember it just kind of just being really  
9 smooth. It's just trying to just get it in, hurry,  
13:58 10 hurry, hurry.

11 Q. Okay. So you don't know if it was e-mailed or  
12 faxed or mailed?

13 A. I don't recall.

14 Q. Okay. Related to -- if you go further in this  
13:58 15 document -- these documents produced by you, the third  
16 page, 008, see this -- it has some of the Sun short-term  
17 disability, and then it also has some of the FMLA  
18 documents. They're kind of intermixed the way that they  
19 were numbered here.

13:58 20 And we already talked about that 008,  
21 that's -- that's your handwriting there.

22 A. On which Bates number?

23 Q. On page 008. That was the similar document  
24 that we looked at previously.

13:59 25 A. Yes.

1 A. I believe it was 9-14.

2 Q. Okay. And if you look in this -- after  
3 "Physical Impairment," there's also "Mental impairment,  
4 Class 1, No limitation."

14:03 5 So there was no mental impairment  
6 limitation associated, according to your doctor.

7 A. Correct.

8 MR. KENNARD: Objection. Assumes facts not  
9 in evidence and calls for speculation.

14:03 10 Q. (BY MS. O'DRISCOLL) Based on this form that  
11 your doctor submitted on your behalf, to short-term  
12 disability, did I read that correctly that it says  
13 "Mental impairment (if applicable), Class 1, No  
14 limitation"?

14:03 15 Did I read that correctly?

16 A. You did.

17 Q. Okay. Now, if you go to the next section,  
18 where it says, "Return-to-work," number 1 says, "When  
19 will patient recover sufficiently to perform duties?"

14:03 20 And under "Patient's occupation full-time,"  
21 it says, "Date: 10-22-12."

22 And that's when you returned to work, isn't  
23 it, 10-22-12?

24 A. Yes, that's the day that I -- I didn't clock  
14:03 25 in. That's the day that I just walked through the door

1 and didn't put my purse down or anything.

2 Q. That's the date you returned to work; correct?

3 A. That's the day I walked through the doors.

4 Q. So you were released by your physician to  
14:04 5 return to work, and you returned to work on that day;  
6 correct?

7 A. Yes, I walked in the office, and that's when I  
8 was told all the things that was going on. But prior to  
9 that, a lot of people were calling. I was still working  
14:04 10 because people were calling me at the -- at my home  
11 telling me things that was going on in the office.

12 Q. Okay. And we're going to talk about that time  
13 period in just a minute, but I -- I just wanted to make  
14 sure that I understand these documents and whose  
14:04 15 handwriting this is.

16 A. Uh-huh.

17 Q. And, number 2, where it says, "After reviewing  
18 the material and substantial duties of the patient's  
19 occupation, would you recommend vocational counseling  
14:04 20 and/or rehabilitation or job modification?" And they  
21 checked, "No."

22 Did I read that correctly?

23 A. Yes.

24 Q. Okay. And then -- and then at the bottom,  
14:04 25 there's your physician again, Daniel Yoshor, and his

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1 signature dated 9-25-12.

2 A. Yes.

3 Q. Now, if you could skip ahead, there's some  
4 additional signature pages on Sunday -- Sun Life  
14:05 5 Assurance.

6 A. Can you give me Bates numbers?

7 Q. Yes. I was just about to say that. Ellis 020,  
8 if you could skip to that page.

9 Now, as I mentioned, the way that these  
14:05 10 documents were produced, they were -- I think they may  
11 have gotten out of order, and they're -- they're printed  
12 here base -- based on the Bates numbered document?

13 But you see -- on 020, what I wanted to ask  
14 you was whose handwriting that is. And I think that's a  
14:06 15 continuation from the physician's office.

16 A. It's not my handwriting.

17 Q. Do you -- it's not yours; right?

18 A. No.

19 Q. Okay. And -- and this is similar to another  
14:06 20 page that --

21 A. This is what -- we've already gone over this  
22 one.

23 Q. Right.

24 A. This is one you talked about.

14:06 25 Q. In the other packet --

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1 A. Yes.

2 Q. -- which was in the packet that ECFMG received  
3 that we -- that we went through before, and then these  
4 are documents that you -- that you produced -- your  
14:06 5 lawyer produced.

6 A. Okay.

7 Q. Now, if you go to -- so we're looking at 020,  
8 and then it skips back to some more Sun Life documents,  
9 and there's some duplicates in here. But if you go to  
14:06 10 Ellis 024, which is the last page, where at the top it  
11 says, "PART B: AMOUNT OF LEAVE NEEDED." Number 5,  
12 "Will the employee be incapacitated for a single  
13 continuous period of time due to his or her...  
14 condition, including any time for treatment and  
14:07 15 recovery?"

16 And this is similar to the page that we  
17 looked at earlier, and it's checked, "Yes," because you  
18 were having your surgery, the single continuous period.

19 And then it says, "If so, estimate the  
14:07 20 beginning and ending dates" of "the period of  
21 incapacity." "9-12-12 through 10-22-12?"

22 Did I read that correctly?

23 A. Yes.

24 Q. And is that your handwriting in that part?

14:07 25 A. No.

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1 Q. Okay. Is any of this document your  
2 handwriting?

3 A. No.

4 Q. Number 6, it says, "Will the employee need to  
14:07 5 attend follow-up treatment appointments or work  
6 part-time or on a reduced schedule because of the  
7 employee's medical condition?" And it's checked, "No."

8 Did I read that correctly?

9 A. Yes.

14:07 10 Q. And -- and it's your understanding that once  
11 you were released to come to work for October 22nd,  
12 2012, that -- that you were released to come full time;  
13 correct?

14 A. At -- remember, this is dated 9-25, so this was  
14:08 15 very shortly after I had surgery. So I don't know how  
16 things were going to transition from after I had surgery  
17 from 9-25 to 10-22. So what I did is I talked to Betty  
18 LeHew, I talked to Sharon Trowell and told them that the  
19 first week that I returned that I was probably going to  
14:08 20 need to go part time and I was going to need  
21 accommodation.

22 Q. Did you -- did you ever -- well, let -- let's  
23 look at your fitness for duty that your -- that your --

24 A. Sure.

14:08 25 Q. -- that your physician -- that your physician

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1 provided.

2 Mark this as Exhibit 21, ECFMG/Ellis 397.

3 (Exb. No. 21 was marked.)

4 Q. (BY MS. O'DRISCOLL) If you could take a look  
14:09 5 at this. This was the only fitness for duty that I --  
6 that I've seen, both produced by you and -- and given to  
7 me by my client.

8 Are you aware of any other fitness for duty  
9 document?

14:09 10 A. I am not. But when I talked with -- this was  
11 my first time to ever send Tom what -- I talked with  
12 Sharon as well as with Betty and Chris. I told them,  
13 the three of them, that I was -- a lot of the employees  
14 were calling me and telling me all the things that Chris  
14:09 15 was doing at the center, and so I needed to just get  
16 back to work. And so when I was talking to Tom, the  
17 first time, because I was on a lot of different  
18 medications from when Dr. Yoshor had seen me, so the --  
19 he told me, Dr. Thomas, that I can't afford to lose you  
14:09 20 on this side of the table, that my -- I was not  
21 producing any of the hormones to deal with any stress.

22 And I --

23 Q. Was he your endocrinologist?

24 MR. KENNARD: Hold on. Can we allow her to  
14:10 25 finish her response.

1 (Answer the question only after reviewing the attached  
2 job description... discussing with the employee....  
3 Check Yes or No."

4 And he checked, "Yes"; correct?

14:14 5 A. Yes.

6 Q. That -- that's correct?

7 A. But it wasn't anything attached.

8 Q. Okay. Well, this is the -- this is the fitness  
9 for duty form that you brought to your physician?

14:14 10 A. Yes.

11 Q. Okay.

12 A. But there is no job description attached, and  
13 we did not have a conversation about what my job  
14 responsibilities were.

14:14 15 Q. Okay. Did you have a conversation with any  
16 physician -- any other physician so that they could  
17 provide a different fitness for duty to ECFMG?

18 A. No.

19 Q. Okay.

14:14 20 A. I gave him the form and asked him to just sign,  
21 you know, that I needed to go back to work. And I told  
22 my employer that -- I didn't know what my accommodations  
23 may be at that time. I had just had surgery, and I was  
24 trying to get back to work.

14:14 25 Q. And -- and, in fact, it says, "Date the



1 employee is able to return to work and perform all  
2 functions."

3 A. And I told him what date I was returning back  
4 to work.

14:15 5 Q. And -- and that's the date that you walked back  
6 in the door, 10-22-12.

7 A. That's correct.

8 Q. Okay. And then number 3, it says, "If an  
9 accommodation is needed for an ADA covered disability,  
14:15 10 please indicate suggestions for the type of  
11 accommodation that would enable the employee to  
12 perform... essential functions of his or her job."

13 And those two blanks are left blank, aren't  
14 they?

14:15 15 A. They are blank.

16 Q. Okay. And then -- and then you signed this  
17 document and dated it 10-16-12.

18 A. Right.

19 Q. Now, with this document, did -- did you fax it  
14:15 20 to ECFMG or -- or mail it, or did your doctors's office?

21 A. I -- I believe that Sharon had me to -- because  
22 it was a lot of pressure, and I had to have it Monday  
23 before I walked in the door. I had to have it back  
24 to -- to them, so I believe I Fed Ex'd it back.

14:15 25 Q. Okay.

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1 I said, "I don't know what the meeting is  
2 about."

3 And then she -- they -- they walked in,  
4 Betty and -- I'm sorry -- Nancy and Chris.

14:20 5 Q. Okay. And before they walked in, though, did  
6 Betty tell you that -- that ECFMG had received the full  
7 release -- your full release to return to work?

8 A. I don't recall her saying that to me.

9 Q. Did she say, "I want to make sure that you're  
14:20 10 fine to proceed. We're about to have a discussion. I  
11 want to make sure that you're feeling good and that  
12 you're fine to proceed with this meeting today."

13 Do you remember that?

14 A. She said something similar to that, yes.

14:20 15 Q. Okay. And then did you assure her, yes, let's  
16 go forward with the meeting?

17 A. I did.

18 Q. Okay. And then you said that you also met with  
19 was it Nancy Ambrose?

14:21 20 A. It was Nancy Ambrose and Chris Paul and Betty  
21 LeHew.

22 Q. Okay. And where were -- where were you-all at  
23 ECFMG that day?

24 A. We were in my office.

14:21 25 Q. Okay. So before we -- before we turn to that,

1 let me just -- there's one document I will mark as  
2 Exhibit 22nd.

3 (Exb. No. 22 was marked.)

4 Q. (BY MS. O'DRISCOLL) I'm sorry. 22, and that's  
14:21 5 ECFMG/Ellis 398 through 399.

6 And just let me know once you've finished  
7 reviewing this document.

8 A. Yes.

9 Q. So this is a letter dated October 19th, 2012,  
14:22 10 addressed to you; correct?

11 A. Yes.

12 Q. From ECFMG?

13 Sharon Trowell-Roman, that was the HR  
14 manager that you'd been working with on your FMLA leave;  
14:22 15 correct?

16 A. Yes.

17 Q. And in this letter, she tells you that -- that  
18 they received the fit for duty form completed by your  
19 physician releasing you to return to work at full  
14:22 20 capacity as of October 22nd, 2012.

21 Did I read that correctly?

22 A. Yes.

23 Q. And then the second paragraph, it says, she  
24 reminds -- she tells you about the leave, that "You  
14:23 25 previously used FMLA leave beginning January 18th, 2012,

1 brought to my attention, employees stated, management --  
2 manage -- management did this, and none of -- a lot of  
3 it I had never even heard before.

4 Q. Do you -- do you remember anything specific?  
14:25 5 Does anything specific come to mind that -- that they  
6 addressed with you that day?

7 A. It was brought to my attention about Troi  
8 Bryant. It was brought to my attention about some  
9 robes, plates.

14:25 10 Q. I'm sorry. What did you say, some robes and  
11 plates?

12 A. Robes.

13 Q. Anything else?

14 A. Something about I was eating someone's food.

14:26 15 Q. And did they tell you that -- that these were  
16 complaints that they had received from other employees?

17 A. Yes, but they never told me who the employees  
18 were. I had never heard that before or the complaints  
19 before. Never was given a corrective written action  
14:26 20 to -- to even correct the -- the action. Never even  
21 seen a memo like that before. And then I brought -- you  
22 know, we stopped it, and brought it to Betty LeHew's  
23 attention that a list of people that had called me, gave  
24 her specific names that she needed to investigate and  
14:26 25 talk to and with part time and full time that during my

1 whole FMLA time, being off work, how these employees  
2 every day were calling my home till my husband had to  
3 finally say, "My wife is recovering," to please stop  
4 calling my home.

14:27 5 Q. Did -- you said you gave a list of names to  
6 Betty to investigate?

7 A. Yes.

8 Q. What did you want her to investigate?

9 A. Because the -- the employees were saying that  
14:27 10 Chris was undermining everything that I was doing, so I  
11 wanted her to talk to all of the full-time employees  
12 that were calling my home during my leave of absence,  
13 and saying these things that was going on, the part-time  
14 employees, as well, that were saying these things. And,  
14:27 15 I mean, I couldn't even refute all the things that were  
16 said. I wasn't given the opportunity to refute.

17 I was told by Betty LeHew that -- you know,  
18 I said, "Well, Betty, I can go back on leave."

19 And she said, "No. You should take -- off  
14:28 20 the record, you should take the personal leave of  
21 absence."

22 And I said, "Okay," because I didn't know  
23 any -- I didn't -- I didn't know. I didn't know. So I  
24 said, "Okay." Called my husband. She told me to give  
14:28 25 her my cell phone. I gave her my cell phone, called my

1 husband to come pick me up. She walked me outside, and  
2 that was it until I heard back from -- Betty left a  
3 message on my voice mail to meet her at a hotel, I did,  
4 gave them my things, and then we started corresponding  
14:28 5 on how to get my personal belongings.

6 Q. Okay. Let's -- let's back up a little bit.  
7 On -- when you were having this discussion with  
8 Ms. Ambrose, Mr. Paul, and Ms. LeHew, you said they gave  
9 you a list of concerns.

14:28 10 A. I did not say they gave me a list of concerns.

11 Q. They -- they -- they listed a list of concerns.

12 A. Yes.

13 Q. You eventually were given a list; correct?

14 A. I had to request a list.

14:28 15 Q. Okay. And you were given that list?

16 A. Yes.

17 Q. Okay.

18 A. After I requested that list.

19 Q. Okay. And did you receive that list that day  
14:28 20 or some day after that?

21 A. That day.

22 Q. Okay. And did you -- that day, on October  
23 22nd, 2012 -- I was making a list of the items that  
24 you -- that I noted that you mentioned.

14:29 25 The first thing you mentioned was Troi

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1 Bryant and --

2 A. That was not the first thing I mentioned.

3 Q. I wrote down Troi Bryant, robes and plates, and  
4 eating someone's food.

14:29 5 Did I miss one?

6 A. There was a list. We can go back on -- the  
7 court reporter to see, actually, what I said.

8 MS. O'DRISCOLL: Can we go back to what she  
9 responded had been --

14:25 10 THE REPORTER: QUESTION: "Do you -- do you  
11 remember anything specific? Does anything specific come  
12 to mind that -- that they addressed with you that day?"

13 ANSWER: It was brought to my attention  
14 about Troi Bryant. It was brought to my attention about  
14:25 15 some robes, plates.

16 MS. O'DRISCOLL: Thank you.

17 Q. (BY MS. O'DRISCOLL) So I wanted to get a  
18 little more detail, when you say they brought to your  
19 attention about Troi Bryant, are you referring to fact  
14:30 20 that he's your daughter's father?

21 A. Yes.

22 Q. And did they reference the relationship policy  
23 at that time?

24 A. No, I don't recall it.

14:30 25 Q. Okay. Do you remember, did they reference

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1 that -- that they believed that there was some sort of a  
2 policy violation related to Troi Bryant working there,  
3 having been your daughter's father?

4 A. Betty did bring that to my attention, and I  
14:30 5 said, "Betty, Troi hasn't worked here in over a year,  
6 and -- why is that a difference when you have David and  
7 Heidi working together." And Betty has her stepdaughter  
8 and it clearly states about stepdaughter, Troi is not  
9 related to me.

14:31 10 Q. Did -- did Betty or -- or Ms. Ambrose or  
11 Mr. Paul, did anyone ask you: Is Troi Bryant your  
12 daughter's father?

13 A. Yes.

14 Q. And did you respond to that question?

14:31 15 A. I -- I did, and I was trying to say that he --  
16 he is, but, I mean, we were not related.

17 Q. Did -- did you say that that day? Was your  
18 response that day?

19 A. I did not. I was trying to get out that he's  
14:31 20 the father, but he's not related to me in any kind of  
21 way, because as I mentioned earlier in the testimony, is  
22 that -- that was -- that was a lot of shame, and that  
23 was over 25 years ago, or longer. And that was a lot of  
24 shame that was about that, regarding that, having a  
14:31 25 child out of wedlock, and it was just a one-night stand.



1 But later that evening, I believe I called Betty or  
2 shortly thereafter I called her and just went ahead and  
3 just said, "Betty, you know, Troi is the father of  
4 Brittani, but there is no relation or -- there's --  
14:32 5 we're not relatives, though."

6 Q. In fact, when Betty asked you that day, on the  
7 22nd, she -- when she asked you if Troi was Brittani's  
8 father, didn't you say that he -- he stepped up, that,  
9 no, he wasn't her father, but he -- he stepped up,  
14:32 10 something to that -- something -- something to that  
11 effect?

12 MR. KENNARD: Objection. Calls for  
13 speculation. Assumes facts not in evidence. And  
14 misstates testimony.

14:32 15 Q. (BY MS. O'DRISCOLL) I'll restate -- restate  
16 the question.

17 When Betty asked you if Troi was Brittani's  
18 father, did you -- in that -- in that sitting, on  
19 October 22nd, did you deny that Troi was Brittani's  
14:32 20 father?

21 A. Indirectly.

22 Q. And -- and can you give me a little more detail  
23 on what you said?

24 A. As I was stating earlier, I didn't just  
14:33 25 directly say, yes, he's the -- he's her father, because

1 of the shame that was related to that.

2 I was giving a story that, yes, but we're  
3 not -- there is no blood relation or I'm not -- I'm  
4 related to Brittani, but not to Troi, but -- so --

14:33 5 Q. Do you remember saying anything, something to  
6 the effect of he stepped up or stepped in or something  
7 to -- of that nature?

8 MR. KENNARD: Objection. Misleading.  
9 Confusing. And assumes facts.

14:33 10 Q. (BY MS. O'DRISCOLL) I'm just asking you if you  
11 remember saying anything like that.

12 A. I don't remember. I don't recall that.

13 Q. Okay. Okay. Do you -- do you remember calling  
14 Betty either that evening or the next day and saying, "I  
14:33 15 have to clean my conscience, Troi's Brittani's father"?

16 A. I --

17 Q. Clear my conscience.

18 MR. KENNARD: Objection. Assumes facts.  
19 And calls for speculation.

14:34 20 Q. (BY MS. O'DRISCOLL) Did you ever say anything  
21 like that to Betty --

22 MR. KENNARD: Same objection.

23 Q. (BY MS. O'DRISCOLL) -- that you have to clear  
24 your conscience?

14:34 25 MR. KENNARD: Same objection.

1 Q. (BY MS. O'DRISCOLL) You can answer.

2 MR. KENNARD: You can answer if you're able  
3 to?

4 A. I recall calling Betty saying that Troi was  
14:34 5 Brittani's father.

6 Q. (BY MS. O'DRISCOLL) Do you remember saying  
7 something to the effect of, I have to clear my  
8 conscience?

9 A. I don't recall that.

14:34 10 Q. Okay. Do you also remember being asked on  
11 October 22nd about sharing your password?

12 A. Yes.

13 Q. Okay. And what -- what did -- and who said it,  
14 and what did they say? Was it Ms. Ambrose or Mr. Paul  
14:34 15 or Ms. LeHew?

16 A. I don't remember who said -- who asked me about  
17 it, but I was told that I -- I -- who I shared it with.  
18 I didn't know who I had shared it with.

19 Q. Were you asked if you shared your password?

14:35 20 A. Yes. And I responded with a list of people,  
21 was it Flores, was it -- because I didn't know. I was  
22 under a lot -- I was having brain surgery. I talked to  
23 a lot of people. I was under a lot of different  
24 medication.

14:35 25 Q. And did you admit to sharing your password with

1 someone?

2 A. After I was told that I did. And I'm not --  
3 I'm a fairly honest person, so I said -- if my  
4 employer -- I worked with these people for seven years.  
14:35 5 If they told me that I did that, then I -- I just  
6 believe that they had no reason to lie to me.

7 Q. Did -- did you -- did you tell them that you  
8 had shared the password with a woman named Sharon?

9 A. No. They told me.

14:35 10 Q. They told you that that's who it was?

11 A. Yes.

12 Q. Okay. And for the benefit of the jury, what --  
13 what is -- what is this password? What does it do?

14 A. The -- when they told -- it certified the exam.

14:36 15 Q. Okay. And does that mean that -- what does  
16 that mean, "certifying the exam"?

17 A. It actually benefits the company. It made sure  
18 that the -- the examinees actually got their scores on  
19 time, so it benefit the company.

14:36 20 Q. What goes into certifying an exam? What does  
21 that mean?

22 A. Two buttons, that the exam happened that day,  
23 and all the paperwork was done correctly, yes, yes.

24 Q. And when you provided your password to Sharon,  
14:36 25 was she a management-level employee?

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1 A. She was acting as the assistant manager,  
2 because again, I was put in a position to be the manager  
3 because the assistant manager had resigned and had left.  
4 So I was the manager by myself.

14:36 5 Q. She was the acting assistant manager.

6 A. Like unofficial, yes.

7 Q. So what does that mean, "unofficial"?

8 A. She had not -- she had not gone through HR and  
9 approved, but Chris had -- I had asked Chris about her  
14:37 10 being -- acting assistant center manager, so she was  
11 doing things for me that -- she assisted me.

12 Q. And was she given management-level  
13 responsibilities to certify exams?

14 A. No.

14:37 15 Q. And you understood that your password should  
16 only be used by you; correct?

17 A. Yes. But keep in mind that I -- I was not even  
18 aware that I had given my password to anyone until it  
19 was brought to me that day on the 22nd.

14:37 20 Q. Which was the first day you came back to work.

21 A. Which was the first day I came back to work.  
22 Bearing that I was working while they were calling me on  
23 leave.

24 Q. And when you say you were -- when you were  
14:38 25 working, did you ever tell Betty LeHew or anyone with

1 human resources, "Hey, I'm getting calls from -- from  
2 the center. I'm being asked to work while I'm on  
3 leave"? Did you tell anybody?

4 A. Not until -- well, Betty knew because they were  
14:38 5 interviewing the assistant center manager. And Chris  
6 called me and said that I could come to the center and  
7 sit in the room while they were interviewing assistant  
8 center managers to, I guess, give some feedback or  
9 something, but at -- during the interview, I couldn't  
14:38 10 say anything.

11 Q. Did --

12 A. And I was on leave during that time.

13 Q. Did you come in --

14 A. I did not.

14:38 15 Q. -- during the interviews?

16 A. I did not. And that was a choice that I made,  
17 but I was asked to.

18 Q. And who was -- who was covering center  
19 manage -- your center manager responsibilities while you  
14:38 20 were out on leave, in Houston?

21 A. All the center managers stepped up, with the  
22 exception of John, and came to the center.

23 Q. And how many other centers are there around the  
24 U.S.?

14:39 25 A. There's five other centers. Houston would be

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1 Q. (BY MS. O'DRISCOLL) Do you recognize this  
2 policy, CSEC data security policy?

3 A. Yes. It's changed a little bit, because center  
4 manager and assistant manager has been scratched out.

14:45 5 Q. Where -- I'm sorry. Where are you referring  
6 to?

7 A. On the 310.

8 Q. Okay. And -- and what's been scratched out?

9 A. "Center Manager, Assistant Manager."

14:45 10 Q. Where do you see that scratched out?

11 A. Last bullet.

12 Q. Oh, got it. Okay. Got it. "Ability to  
13 download data from Center Manager, Assistant Manager and  
14 Trainer Laptops and PCs." I see what you're saying.

14:45 15 So you're saying that -- there was one --  
16 that one change in this policy?

17 A. Yes, probably.

18 Q. Okay. That first bullet that says, "Each  
19 manager, assistant manager and trainer shall adhere to  
14:45 20 ECFMG's current password security policy and shall not  
21 share or communicate their password with any other  
22 person."

23 You were aware of that rule; correct?

24 A. But I also am aware that I was told by my  
14:45 25 director to give my password to our IT person when we

1 were out of the office to do some work while we were  
2 there. So it was all -- the policy was always violated  
3 with the password.

14:46 4 Q. You said your -- your director told you to do  
5 that?

6 A. Yes. Yes.

7 Q. Who is that, Mr. Paul?

8 A. Yes.

9 Q. So Mr. Paul told you to give your password to  
14:46 10 whom?

11 A. Bea Bright Davies. And the common password was  
12 used was Brent Biggs.

13 Q. And are you aware of any time that a password  
14 was used to certify an exam?

14:46 15 A. I wasn't aware that my password was used to  
16 certify an exam.

17 Q. But once you were asked about it, you recalled  
18 that you did, in fact, share your password?

19 A. I was -- I did not recall that, until it was  
14:46 20 brought to my attention. And when they told me that I  
21 did that, I said, "Okay," because I didn't -- I didn't  
22 know.

23 Q. But once you were reminded that you did it, did  
24 you recall doing it?

14:47 25 A. I did not recall. I just -- I had to -- if



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1 they told me I did it, I was under medication, I didn't  
2 know I did it. So I didn't know, so because they told  
3 me I did, I just went along with it, because they said I  
4 did. I didn't believe that they would tell me that I  
14:47 5 did something that I didn't do.

6 Q. Okay. You said Mr. Paul told you to give Bea  
7 Davis your password?

8 A. Yes.

9 Q. And what was that for?

14:47 10 A. Because he had to do something -- we was off  
11 site doing a -- I believe it was sometime in January --  
12 I can't recall the year, but we were doing a food bank  
13 drive and Bea had needed something to do in the office  
14 with the computer. She was our IT person, and they  
14:47 15 needed a password to get in, and he called me up and  
16 said I had to give her my password.

17 Q. And it was for some sort of an IT function?

18 A. Yes.

19 Q. Okay.

14:48 20 A. It should be on their e-mails, because it was  
21 e-mailed back and forward.

22 Q. Okay. And do you remember thinking that there  
23 was anything wrong with that, sharing your password?

24 A. No, because I knew I could change it.

14:48 25 Q. Did you change it?

1 A. I'm sure I did. Yes.

2 Q. Do you know if you did?

3 A. I don't recall -- I'm almost 99.9 percent that  
4 I did. And you have several different passwords for  
14:48 5 several different programs, so the program that she  
6 needed that password for, just like for the  
7 certification, that was a password only for  
8 certification, so it could not get into other databases.

9 Q. Okay. And, again, you're not aware of anyone  
14:48 10 sharing their certification password with any person  
11 that -- that shouldn't have been shared with? Any --  
12 anyone else? You're not aware of anyone else doing  
13 that?

14 A. Like who?

14:49 15 Q. I mean, anyone in any center. Have you ever  
16 heard of anyone sharing their password to certify an  
17 exam and sharing it with a nonexempt person?

18 A. Again, I wasn't aware that I shared mine, so  
19 I -- I'm sure no one -- we didn't talk about that, so --

14:49 20 Q. And the person Sharon, her last name was  
21 Dalberg; correct?

22 A. Yes.

23 Q. That you shared your password with?

24 A. I -- I wasn't aware that I shared my password  
14:49 25 with Sharon --

1 Q. But that's --

2 A. -- until it was brought to my attention.

3 Q. But that's the person that you all discussed  
4 that you shared it with; correct?

14:49 5 A. That is correct, Sharon Dalberg.

6 Sharon also did other things, too, Erin,  
7 that she assisted me with: Scheduling, and the things  
8 on the job responsibility as assistant manager, she  
9 helped out with.

14:50 10 Q. Okay. But with regard to certifying an exam,  
11 you could have had Nancy Ambrose do that for you;  
12 correct?

13 A. If I was conscious and aware of what I was  
14 doing and thinking, I would not have even -- I was  
14:50 15 having surgery and out on FMLA. I would not have even  
16 thought about working. I mean, I guess my question  
17 would be to myself now, in retrospect, why was I even  
18 worried about the exam or even thinking about work when  
19 I was in a -- you know, life-changing event that I don't  
14:50 20 know if I was going to be alive or not or even capable  
21 of going back to work. So I -- I didn't think -- I  
22 wouldn't have thought about calling Nancy. I wouldn't  
23 have thought about work.

24 Q. Well, you had had Nancy help you certify exams  
14:51 25 in the past; correct, Nancy Ambrose?

1 A. If needed, you know, if on vacation or if just  
2 out on personal day or just a regular sick day, but in  
3 an emergency, I wouldn't have thought to call Nancy.

4 Q. But -- but that's a yes, that you have had  
14:51 5 Nancy certify exams for you in the past?

6 A. Nancy has certified exams in the past.

7 Q. For you.

8 A. For all centers.

9 Q. But for you as well.

14:51 10 A. Including Houston.

11 Q. Okay. While you were center manager.

12 A. Yes.

13 Q. Okay.

14 A. But I think that's for -- just so I make sure  
14:51 15 that we're all on the same page, I think that would be  
16 for everyone. Nancy would put out a list that she's  
17 going to certify the exam for everyone.

18 Q. Because she -- because it was either the center  
19 manager or Nancy that were the key people that would  
14:51 20 certify exams; correct?

21 A. Or the assistant center manager.

22 Q. And which you didn't have an assistant center  
23 manager, since Brent had resigned.

24 A. That is correct.

14:52 25 Q. Okay. When you attended your unemployment

1 MS. O'DRISCOLL: Okay.

2 MR. KENNARD: But before you answer any  
3 questions, I want to look at the page before. Okay?

4 Q. (BY MS. O'DRISCOLL) And if you could, look  
14:53 5 where it says -- has a line, and it says the word "end"  
6 and then a line on 617, where it has in all caps, which  
7 is the testimony that was given at the hearing. And I  
8 should preface with, this is a certified copy that was  
9 ordered from the Texas Workforce Commission that is a  
14:54 10 notarized copy of everything that was submitted.

11 MR. KENNARD: Has this been produced?

12 MS. O'DRISCOLL: Yes.

13 Q. (BY MS. O'DRISCOLL) So if you could look at  
14 that first paragraph and share with your counsel, in all  
14:54 15 caps, it's after "END."

16 And tell me if I'm reading this correctly.  
17 Right after the word "end," with the lines, it says --  
18 we're on the 617. "If they have a policy or not I  
19 should have not have done that. I understand they said  
14:55 20 it was a violation of the data security policy."

21 Did I read that correctly?

22 MR. KENNARD: I read it.

23 A. I --

24 MR. KENNARD: Go ahead. Yes. She's  
14:56 25 starting right there at the top. Right there.

1 A. Okay.

2 MR. KENNARD: You may want to go through  
3 that again?

4 MS. O'DRISCOLL: Sure.

14:56 5 Q. (BY MS. O'DRISCOLL) Just let me know if I'm  
6 reading this correctly. "If they" -- "If they have a  
7 policy or not I should have not have done that. I  
8 understand they said it was a violation of the data  
9 security policy."

14:56 10 Did I read that correctly?

11 A. Yes.

12 Q. And if you go to the next page, at the top.  
13 Okay. Actually, I'm sorry, at the bottom of the page we  
14 were just on, it's talking about the Bryant matter --  
14:56 15 I'm sorry. If you go -- go back one page and then at  
16 the bottom sentence on that page.

17 MR. KENNARD: Bless you.

18 MS. O'DRISCOLL: God bless you.

19 Q. (BY MS. O'DRISCOLL) If you start with "I  
14:56 20 understand," if you could show your counsel. It's those  
21 last two sentences at the bottom, "I understand they  
22 said that."

23 MR. KENNARD: Yes.

24 Q. (BY MS. O'DRISCOLL) So tell me if I'm reading  
14:57 25 this correctly. "I understand" that "they said that the

1 following day on the phone with the AVP of HR that I  
2 admitted that I lied about Mr. Bryant being my  
3 daughter's father because my conscious needed to come  
4 clean. That is true."

14:57 5 Did I read that correctly?

6 A. That's what's typed here, yes.

7 Q. Okay. And this was testimony that -- that you  
8 gave under oath to the Texas Workforce Commission  
9 related to your unemployment; correct?

14:57 10 A. I don't recall this, because this was so long  
11 ago, but --

12 Q. But you could have said that?

13 A. I could have.

14 Q. If you go further, it says, "That is true.  
14:57 15 When I got ambushed with this information" --

16 MS. O'DRISCOLL: Do you want to read this  
17 next paragraph, Alfonso, or --

18 MR. KENNARD: I read it.

19 Q. (BY MS. O'DRISCOLL) The top, "When I got  
14:58 20 ambushed with this information I lied out of fear but I  
21 came back and said the truth. Regarding the second  
22 violation, this is correct. I had been put under alot  
23 of stress. I was given a list before I got sick of  
24 concerns. I was in the hospital having major brain  
14:58 25 surgery. I made a bad decision on my part. I gave a

1 regular employee my password to certify the exam."

2 Did I read that correctly?

3 A. Yes, but I -- I think it was not put all in  
4 context what -- everything I was -- I said.

14:58 5 Q. I understand there was additional testimony,  
6 but this is -- this is the -- rather than reading the  
7 entire document -- and the entire document is an exhibit  
8 and in the record, so it's there.

9 A. Okay.

14:58 10 Q. But I just wanted to pull out portions since it  
11 was referring to earlier discussions that you and I had  
12 about giving your conscience clean and things of that  
13 nature. I just wanted to make sure I was reading that  
14 correctly.

14:58 15 A. Yeah, you -- you read this -- what is typed  
16 correctly.

17 Q. Okay. Okay. If you could also turn to, in  
18 that set, ECFMG --

19 A. Did you read, also, we had no -- we were never  
14:59 20 married, we have no blood relation?

21 Q. Yes.

22 A. Okay.

23 Q. If you could turn to ECFMG 530 --

24 A. 530.

14:59 25 Q. -- in the same exhibit.



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1 A. I don't recall how often I had to go in. I  
2 know I was told that if I signed a waiver that ECFMG  
3 would not fight me on my unemployment, and they had  
4 offered me a severance package.

15:01 5 Q. Okay. But I -- I just want to know the answer  
6 to my question, if you had to go in each week and answer  
7 questions with the un -- for the unemployment?

8 A. I don't recall --

9 Q. Okay.

15:01 10 A. -- if it was each week or if it was every other  
11 week.

12 Q. Okay. Do you remember the date of your  
13 termination?

14 A. So technically the date was October the 22nd,  
15:01 15 because I never went back to the office.

16 Q. Well, you were put on administrative leave  
17 while they were conducting an investigation; correct?

18 A. That is correct.

19 Q. Okay. And during that time, you were told that  
15:01 20 Betty and her colleague were going to investigate any  
21 allegations that you made related to what employees were  
22 saying; correct?

23 A. That is correct.

24 Q. And you were also told that Ms. Ambrose was  
15:02 25 going to investigate the list of violations -- or

1 Q. Yes, ma'am.

2 A. -- to the one that talked about -- that was  
3 never an exam that was not fully -- the one that talked  
4 about the exam not fully covered, and that it was short  
15:31 5 staffed. Even with short staff, we -- because people  
6 were resigning and going -- for whatever reason, they  
7 said they were going back to school or they was moving  
8 or whatever, because we had a retrofit, and so some  
9 people just could not get the new way of doing the exam.

15:31 10 And when they said they did not no longer  
11 want to work there, it was okay, you know, we have to  
12 now find new staff and --

13 Q. And when you say "retrofit" -- "retrofit," just  
14 so everyone under -- I understand what you're saying,  
15:31 15 but can you describe for everyone else what that means,  
16 retrofat -- "retrofit"?

17 A. Yes. So the exam was going to be done a  
18 different way than what we were doing -- the way that it  
19 was used to being done, so it was -- it was re --  
15:32 20 completely redone.

21 Q. And so you had to retrain the patients?

22 A. Retrain all the SPs.

23 Q. Okay. And there were significant staffing  
24 issues that -- that you had to attend to to make sure  
15:32 25 that the center was ready for those changes; correct?

1 A. That is correct.

2 Q. And that was something that you were working  
3 with, with Chris, and your assistant center manager,  
4 Brent Biggs, and that your team -- that was the main  
15:32 5 focus in the months leading up to the spring of 2012?

6 A. Along with the trainers, along with all staff.

7 Q. Okay. And -- and you did have a lot of people  
8 leave during that time.

9 A. Along with other centers, we knew that was  
15:32 10 going to be some transitions.

11 Q. Okay. So staffing was one of your key  
12 responsibilities; correct?

13 A. And every exam had -- was fully staffed.  
14 When --

15:32 15 Q. You're not aware of any short-staffed exams?

16 A. No, no short-staffed exams.

17 Q. Okay.

18 A. Because the exam could not go on if it was  
19 short staffed, so you had to have SPs to be in every  
15:33 20 exam.

21 Q. Okay. Are you aware of any SPs being  
22 improperly paid, that if they were sent home, which is  
23 the next bullet, "Artis did not follow policy when  
24 removing" standardized patients, "SP's from the exam in  
15:33 25 terms of paying them. Artis, after pulling people,

1 A. At that time, I was not -- I was not working.  
2 I was on administrative leave, so --

3 Q. You were on paid administrative leave.

4 A. Paid administrative leave, as Betty had  
15:50 5 instructed me to go.

6 Q. But did you at any time between October 22nd  
7 and November 1st ever request to go back out on FMLA and  
8 tell ECFMG, "I have a doctor's note. I have a serious  
9 medical condition, or some other qualifying need, I need  
15:50 10 to go back out on FMLA"? Did you ever say anything like  
11 that?

12 MR. KENNARD: Objections. It assumes facts  
13 and calls for a legal conclusion.

14 Q. (BY MS. O'DRISCOLL) Did you ever ask FMLA --  
15:51 15 did you ever ask to go back out on FMLA for a serious  
16 medical condition?

17 A. No, because I was on personal leave of absence.

18 Q. And did --

19 A. Administrative leave of absence. I'm sorry.

15:51 20 Q. And -- and you never called Sharon Roman  
21 Trowell [sic] up in Philadelphia to request FMLA  
22 paperwork to fill out; correct?

23 A. Because I was on administrative leave, I was  
24 waiting for them to call me to let me know what was the  
15:51 25 outcome of Betty's investigation, and I -- I knew that I

1 was probably going to be terminated.

2 Q. So the answer is to my -- and could you read  
3 back the question that I asked?

4 THE REPORTER: QUESTION: "And -- and you  
15:51 5 never called Sharon Roman Trowell up in Philadelphia to  
6 request FMLA paperwork to fill out; correct?"

7 MR. KENNARD: Objection. Asked and  
8 answered.

9 Q. (BY MS. O'DRISCOLL) Is that statement correct,  
15:52 10 that you never contacted Sharon Trowell for FMLA  
11 paperwork?

12 MR. KENNARD: Same objection.

13 Q. (BY MS. O'DRISCOLL) Is that correct?

14 A. I never called Sharon while I was on  
15:52 15 administrative leave to ask for additional FMLA  
16 paperwork.

17 Q. And you never contacted any of your doctors for  
18 a doctor's note to go back out on FMLA leave, did you?

19 A. I was not physically at work. I was on paid  
15:52 20 administrative leave, so I was at home. I wasn't  
21 physically in the office.

22 Q. So the answer to that question is no, you never  
23 contacted doctor -- doctors for a doctor's note to go  
24 back out on leave; correct?

15:53 25 MR. KENNARD: Objection. Confusing.

1 Misleading as worded. And to the extent that it calls  
2 for a legal conclusion.

3 Q. (BY MS. O'DRISCOLL) October 22nd, 2012, or any  
4 day thereafter prior to your termination, did you ever  
15:53 5 call one of your physicians and ask for a doctor's note  
6 to approve FMLA leave?

7 A. No, because I was out on administrative leave.

8 Q. Okay. And during that time after October 22nd,  
9 2012, and thereafter, you were able and willing to work;  
15:53 10 correct? You were in a physical condition such that you  
11 could work; correct?

12 A. Repeat the question one more time.

13 Q. October 22nd, 2012, when you returned to work  
14 on full release, you, from that point forward, were able  
15:54 15 to work; correct?

16 MR. KENNARD: Hold on. Objection. Assumes  
17 facts. Misstates -- and to the extent it misstates  
18 previous testimony. And misleading as worded.

19 MS. O'DRISCOLL: How does that misstate  
15:54 20 previous testimony?

21 MR. KENNARD: Can you repeat back the  
22 question, please? And to the extent that it does, but  
23 go ahead and read back the question.

24 THE REPORTER: QUESTION: "October 22nd,  
15:54 25 2012, when you returned to work on full release, you,

1 having a brain surgery and -- a brain tumor and --  
2 removed and, also, having eye issues.

3 Q. Anything else?

4 A. Just array of medical -- medical issues.

16:12 5 Q. Any other medical issues that you can think of  
6 at -- at that time period, as of October 22nd, 2012?

7 A. From the brain tumor, I've had major --  
8 strokes.

9 Q. Since -- since -- since you've left ECFMG,  
16:12 10 after leaving ECFMG; correct?

11 A. I left ECFMG October the 22nd.

12 Q. Well, you were terminated on November 1st;  
13 correct?

14 A. I -- my last day at the office was October the  
16:12 15 22nd. Then I went on personal -- administrative leave  
16 and was given November the 1st as my termination date.  
17 And from November the 1st, yes, I've had some medical  
18 issues.

19 Q. But -- but prior -- prior to the time that you  
16:13 20 were terminated from ECFMG, are there any other medical  
21 issues that you believe you suffered from?

22 A. From the surgery?

23 Q. From -- from -- not just the surgery, but -- I  
24 just -- I'm trying to get a sense of what you believe is  
16:13 25 the basis of your disability claim.

1                   Why do you believe you were discriminated  
2                   against?

3                   A.   Because when I asked for accommodation, I was  
4                   not given those accommodations, or when I even -- I  
16:14 5                   wasn't even given the opportunity to come back to work  
6                   and see how I could work or if I could work.

7                   Q.   Anything else?

8                   A.   No.

9                   Q.   If we look at your complaint -- I know I have  
16:14 10                   three copies of it. Let me just find -- here we go.  
11                   Mark as Exhibit 27 your complaint.

12                               (Exb. No. 27 was marked.)

13                   Q.   (BY MS. O'DRISCOLL) Have you ever reviewed the  
14                   complaint that your lawyers filed on your behalf in this  
16:15 15                   lawsuit?

16                   A.   I reviewed some documents that my lawyer had  
17                   given me.

18                   Q.   But did you ever reviewed this document,  
19                   plaintiff's original complaint?

16:16 20                   A.   Yes.

21                   Q.   And if you look -- if you look at paragraph 18  
22                   under "Disability discrimination," "Defendant, by and  
23                   through Defendant's agents, intentionally engaged in  
24                   unlawful employment practices involving Plaintiff  
16:17 25                   because of her disability."



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1 Other than -- well, you've already told me  
2 that you believe your disability was your brain surgery,  
3 your brain tumor, your eye issues, and you said medical  
4 issues generally.

16:17 5 Is there any -- any other basis that you  
6 believe you're bringing a claim for today, your  
7 disability claim?

8 A. Not that I'm aware of.

9 Q. Did you ever hear any comments from Ms. Ambrose  
16:17 10 or Mr. Paul or Betty LeHew or anyone else at ECFMG  
11 management saying that they believed you were disabled?

12 A. That they told me that I was disabled?

13 Q. That they believed -- did they ever tell you  
14 that they believed you were disabled?

16:17 15 A. No. I never heard them tell me that.

16 Q. Did you ever hear any -- any negative comments  
17 about any of these conditions that you -- that you  
18 mentioned: Brain surgery, brain tumor, eye issues,  
19 medical issues? Did you ever hear any negative comments  
16:18 20 from Ms. LeHew, Ms. Ambrose, Mr. Paul, or any other  
21 EC -- ECFMG management?

22 A. Did I hear any negative comments?

23 Q. Yes.

24 A. No.

16:18 25 Q. On number 19, you say, "At all times material

1 meetings that you had between October 22nd up until  
2 the -- the day of your termination on November 1st, did  
3 anyone in ECFMG management ever say, "I don't believe  
4 you're going to be able to come back and do the job"?

16:21 5 Did anyone ever say that or anything of  
6 that nature, not those specific words, but anything to  
7 that effect?

8 MR. KENNARD: Objection. Confusing.  
9 Misleading. And compound.

16:21 10 You can answer the question if you're able  
11 to.

12 Q. (BY MS. O'DRISCOLL) You just -- you just said  
13 I believe that I was retaliated against because I had a  
14 disability and I took familiar leave.

16:21 15 All I want to know is why -- what is the  
16 basis for that belief? Why do you believe that?

17 A. That's just my belief, that based on me taking  
18 a leave, or going out on leave, because I had had a  
19 brain surgery or a brain tumor, I don't think that they  
16:22 20 thought that I was going to be the same.

21 Q. Did anyone ever tell you that?

22 A. It's just my belief.

23 Q. Okay. Fair enough.

24 Did you -- and the date of your  
16:22 25 termination, did -- did you meet off campus with

1 up.

2 You took FMLA leave in 2006; correct?

3 A. I did.

4 Q. And then multiple times in 2008; correct?

16:24 5 A. I -- I remember taking it one time in 2008. I  
6 requested it twice in 2008, but I came back to work  
7 because one -- my husband's -- our transplant was  
8 rescheduled.

9 Q. Okay. But you -- you had requested it, and it  
16:24 10 was approved for you to take it multiple times in 2008,  
11 but you think you only took it once.

12 A. I -- it was -- not multiple times, twice.

13 Q. Well, more than once.

14 A. Yes.

16:24 15 Q. And -- and then you took leave again in January  
16 of 2012 for -- for your husband's transplant -- to redo  
17 the transplant; correct.

18 A. That is correct.

19 Q. And then you took leave again in the fall of  
16:25 20 2012 for your brain surgery.

21 A. That is correct.

22 Q. And -- and you never heard a negative comment  
23 related to any of those FMLA leaves from management?

24 A. Because -- because I was approved. I was -- I  
16:25 25 qualified each time.

1 Q. And -- and no one ever tried to prevent you  
2 from taking FMLA leave; correct?

3 A. Legally, I don't think they could. And --

4 Q. But did anyone try to prevent you from taking  
16:25 5 your FMLA leave?

6 MR. KENNARD: Were you done answering your  
7 previous -- were you done with your answer to the  
8 previous question?

9 THE WITNESS: Yes.

16:25 10 MR. KENNARD: Okay.

11 Q. (BY MS. O'DRISCOLL) And -- and do you -- do  
12 you feel like anyone tried to dissuade you from taking  
13 leave, in ECFMG management, or tried to prevent you from  
14 taking leave?

16:25 15 A. No. I worked there over seven years. So if I  
16 was there over seven years and these life-changing  
17 events happened, I qualified each time to take it.

18 So no one said, "No, you cannot take it,"  
19 because I qualified.

16:26 20 Q. Okay. Understood.

21 And in your complaint, you also allege FMLA  
22 interference.

23 What -- what leave were you prevented from  
24 taking?

16:26 25 A. No. That interference was that I received

1 calls every day from staff, multiple times during the  
2 day -- during the day.

3 Q. Well, if -- if staff called -- did you tell the  
4 staff not to call you?

16:26 5 A. You -- absolutely. They knew not to call me.  
6 Chris, I think, made mention to them about calling me,  
7 and they continued to call me.

8 Q. And -- and Chris told them not to call you.

9 A. Correct.

16:26 10 Q. And --

11 A. And even my husband told them not to call me.

12 Q. And did you tell anybody in human resources  
13 that you were being contacted by staff?

14 A. At that time, I didn't even think to call human  
16:27 15 resource to say the staff is contacting me. They  
16 were -- they were disturbed, the center was in a rut,  
17 and it was just a lot of things going on. They were  
18 unhappy, and they were venting. And -- they were  
19 calling to check on me, to see how things were going,  
16:27 20 and then they were also just telling me, you know, when  
21 are you coming back, we really need you to come back,  
22 are you better, hurry up and get better so you can come  
23 back and we can stop all this, because this -- the  
24 center is just in an uproar.

16:27 25 Q. Did anyone from ECFMG management ever call you

1 didn't think that would probably be the most safest and  
2 appropriate thing for me. So at that point, I think I  
3 started waking up, saying, "No, this is work-related. I  
4 should not be going to the center, nor should my  
16:29 5 director be calling me to come in to be doing work.  
6 That's work related, and I should not be there."

7 Q. And you said, "No, I'm not coming in"; correct?

8 A. No. I just did not show.

9 Q. Okay. And were you ever written up or  
16:29 10 reprimanded or ever given a verbal reprimand for not  
11 coming in for that interview?

12 A. I was never given a verbal reprimand or written  
13 corrective action for anything during my duration at  
14 ECFMG. I think one time, and I didn't even know it was  
16:29 15 a corrective -- written -- a corrective action. I had  
16 to call Betty and ask her about it. And I was making  
17 several complaints to HR about my director at that  
18 particular time.

19 Q. About Mr. Paul?

16:29 20 A. Yes.

21 Q. And when you say "at that time," is this -- is  
22 this prior to the time that you went out on leave in the  
23 fall?

24 A. This was prior -- this was prior to the time I  
16:30 25 went out on leave.

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1 Q. Okay. And what type of complaints did you make  
2 about Mr. Paul?

3 A. I complained that he -- he was retaliating  
4 against me, he was -- he called me names, or out of my  
16:30 5 name. He -- he subjected me to a lot of things that  
6 other managers did not have to talk about.

7 Q. Like what? Like what?

8 A. Oh, he used inappropriate language.

9 Q. Like what?

16:30 10 A. I choose not to repeat those things. I can't  
11 even recall a lot of the stuff. I know he called me a  
12 witch.

13 Q. Anything else?

14 A. I think it's in my -- he -- he was telling my  
16:30 15 staff that I wasn't a good manager.

16 Q. Who -- who told you that Mr. Paul said you  
17 weren't a good manager?

18 A. David Strom.

19 Q. How do you spell the last name?

16:31 20 A. S T R O M.

21 Q. M as in Mary?

22 A. Yes.

23 Q. And when did he tell you that Mr. Paul said  
24 that you weren't a good manager?

16:31 25 A. I don't recall the -- the month and day.

1 Q. Was it before you went out on leave?

2 A. Yes.

3 Q. Okay. When you said that Mr. Paul was  
4 retaliating against you, what does that mean to you?

16:31 5 A. That means that anytime I would bring something  
6 to him, he then will just come full force and would say  
7 things negative to my staff or to -- if I brought  
8 anything to his attention, he would say negative things  
9 to my staff or to other managers, to my assistant  
16:32 10 manager.

11 Q. And what -- what was he saying to staff and  
12 managers about you?

13 A. Some of the things I just mentioned to you.

14 Q. Well, I -- I was taking notes while you were  
16:32 15 saying them, and you said called names and using  
16 inappropriate language, but -- and specifically I have  
17 that he called you a witch.

18 Is there anything else specific that you  
19 can -- that you can recall that he --

16:32 20 A. I know he said that I wasn't a good manager,  
21 because I remember I had called -- I had text him and  
22 told him I -- and that's how we used to -- we could text  
23 him and say that we weren't going to be in the office if  
24 we needed to take a sick day. And I text him, and he  
16:32 25 came into Houston, pulled in unexpectedly, and I texted



1 him and told him that I was going to be out. And he  
2 said that I wasn't a good manager to David, and David  
3 had e-mailed me.

4 He -- it was several things. He told Brent  
16:33 5 a couple of things. It was inappropriate. And when I  
6 would -- like, he would call Brent a baby, and he was  
7 still on breast milk. And so when I would talk to him  
8 side-bar or on the outside of the office, just he and I,  
9 saying can you please not address staff inappropriately,  
16:33 10 he then will retaliate and say things, you know,  
11 publicly, or openly in a group setting about me or  
12 something like that.

13 Q. So other than -- other than Mr. Paul saying  
14 that you weren't a good manager, can you think of any  
16:33 15 other specific comments that -- that you -- that you  
16 heard, either from him or from staff telling you that he  
17 said?

18 A. I report -- I -- I reported them to HR. I  
19 reported them to Ann Jobe, his -- his manager. And  
16:34 20 seeming that when I reported them to his manager, things  
21 had gotten worse.

22 Q. And when you -- when you reported them to his  
23 manager and to HR, do you feel like ECFMG listened  
24 and -- and looked into what -- what you were saying?

16:34 25 A. At first, I thought they did. And then at a

1 period, it shifted and the complaints seemed to have  
2 just stopped. I mean, it was -- Betty and I met, and  
3 she had asked me if I was willing to step down to the  
4 assistant manager position. And I told her, no, that I  
16:34 5 wasn't willing to step down to the assistant manager  
6 position, that I was okay with staying, that Chris and I  
7 just had some difference -- philosophical differences,  
8 some differences and that we just should learn -- we're  
9 going to have to learn how to work together. Because  
16:34 10 she --

11 Q. And was --

12 A. -- told me that --

13 Q. I'm sorry. I was going to ask for a time  
14 frame. Is this -- is this in the -- when is this?

16:35 15 A. This is after May -- this is when we had dinner  
16 at Del Frisco. So it was after May, probably around --  
17 before I left in September, so somewhere July.

18 Q. Okay. After May, maybe around July. So around  
19 July is when you said, Chris and I -- Chris and I have  
16:35 20 differences, but we just need to find a way to work  
21 together.

22 A. Because she told me Chris wasn't going  
23 anywhere, and I realized that ECFMG was not going to --  
24 I mean, they were probably tired of me making complaints  
16:35 25 about Chris, because she made it clear, Chris wasn't

1 going anywhere. So -- and I wasn't stepping down to go  
2 to the ACM position, so we just had to learn how to work  
3 together.

4 Q. And did you -- did you feel like your main  
16:36 5 complaint about Chris was his management style?

6 A. It was beyond his management style. It was --  
7 I never complained about Chris' management style. It  
8 was Chris, the way he -- he addressed me. He was very  
9 inappropriate.

16:36 10 Q. What's an example of being inappropriate?

11 A. I'm -- I was the only African-American manager,  
12 and I really believe that Chris had some racial issues.  
13 And he just came across very, very aggressive, and like  
14 I'm going to keep you in your place.

16:36 15 And when I wasn't accepting about being in  
16 my place, he was let -- he let me know clearly that he  
17 was the director.

18 Q. Let's look at this set of e-mails I'm going to  
19 mark as Exhibit 28, ECFMG/Ellis 220 through 223.

16:37 20 (Exb. No. 28 was marked.)

21 Q. (BY MS. O'DRISCOLL) If you could just take a  
22 minute to glance at these, and we can walk through them,  
23 see if they're in chronological order.

24 You recall these e-mails?

16:37 25 A. I do.

1 Q. Okay. And is this during the time -- spring  
2 and summer of 2012 when you were talking with Betty and  
3 ECFMG management about Chris?

4 A. Yes.

16:38 5 Q. If you look at the -- the third page, ECFMG  
6 222, this appears to be an e-mail from you to Betty  
7 thanking her for lunch and the opportunity to be heard;  
8 is that right?

9 A. Uh-huh.

16:38 10 Q. And did you -- based on this e-mail, it appears  
11 you felt good that you could get everything off your  
12 chest.

13 A. Yes.

14 Q. And -- and that you valued Betty, her  
16:38 15 friendship and her mentoring you; is that right?

16 A. Yes.

17 Q. Did you later -- that was dated May 1st, 2012.  
18 There's another e-mail from you to Ann Jobe and also to  
19 Chris Paul copied -- I'm sorry, to Ann Jobe and Chris  
16:38 20 Paul, "Hi Ann, I hope this e-mail finds you well. I  
21 just had a meeting with Chris and we have come to an  
22 impasse. I'm requesting your" -- you "assisting so  
23 Chris and I... have a professional working relationship.  
24 I like to share some concerns I have with you that I  
16:39 25 have shared with Chris. Please let me know a good time

1 we can meet. My son is graduating... therefore I'm  
2 traveling on Friday. This is not an urgent request,  
3 but" -- "but a well needed one."

4 Did I read that correctly?

16:39 5 A. You did.

6 Q. And if you look at the first page, so the ECFMG  
7 220, at the very bottom, you send it to Betty and say,  
8 "Betty, please call me to discuss. I will be in the  
9 office.... Sorry I forgot to CC you on the e-mail."

16:39 10 It appears you meant to copy her on that --  
11 on that e-mail I read a moment ago?

12 A. I did.

13 Q. And did Betty get back with you quickly so that  
14 you-all could address your concerns about Chris?

16:39 15 A. Betty LeHew?

16 Q. Yes.

17 A. Based on the e-mail?

18 Q. Well, I mean, do you recall after these e-mails  
19 you reaching out again? It sounded like you guys had  
16:40 20 lunch and then --

21 A. No. These are separate -- yes, Betty got back  
22 with me. She was -- Betty was part of it. She knew --  
23 she heard my complaints. That was a period -- yes,  
24 Betty was fully aware that was going on during that time  
16:40 25 period. This was in May. This was when I made the

1 complaint. Ann Jobe did not get right back with me.

2 Q. But Betty LeHew was getting back with you?

3 A. Betty LeHew did get back with me.

4 Q. Okay. And did you -- did you feel like, in  
16:40 5 these discussions, that -- that they were trying to help  
6 you move forward and -- and find a -- a middle ground  
7 for you and Chris to work together better?

8 A. I was told that they had spoke with Chris and  
9 that some things were going to change, and it did not.

16:41 10 Q. And when you say "it did not," what --

11 A. When Chris would come to Houston, he would  
12 still be him -- himself. I think he was trying to work  
13 on it, but he -- he could not find that ground to move  
14 forward. So we were still coming that -- that impasse,  
16:41 15 and I would still call Betty and tell her and complain  
16 that these are still some issues that are going on.

17 Q. Did -- I know you said that you wouldn't  
18 characterize it as a -- as a difference in -- in  
19 management style.

16:41 20 Would you characterize it as a personality  
21 conflict?

22 A. I would -- I would characterize it as a  
23 personality conflict. And I would see him more as a  
24 bully.

16:41 25 Q. In -- in what sense?

1 earlier?

2 A. Uh-huh. Yes.

3 Q. Leading up to that time, did you receive a memo  
4 from Chris that talked about a number of performance  
16:43 5 issues in -- in August of 2012?

6 A. Which he was incorrect on a lot of those  
7 things, too, that I made some corrections, and he had to  
8 take some things out.

9 Q. So if we can look at ECFMG/Ellis 225 through  
16:43 10 230, I'm marking as Exhibit 29. And I printed color  
11 copies, so I'm hoping that it'll be easier to walk  
12 through this.

13 (Exb. No. 29 was marked.)

14 A. And once again, I want to say that this was one  
16:43 15 that came late in the -- this was supposed to have been  
16 my first corrective action, my entire time at ECFMG. I  
17 called Betty LeHew when I received this through an  
18 e-mail, and she told me that this was -- "Yes, consider  
19 it a corrective action."

16:44 20 I have to question it, why was my  
21 corrective action different than anyone else? It was  
22 not on the right -- the same form that I had to do  
23 corrective actions on, so that's why I'm saying I -- I  
24 felt like I was treated different than any other  
16:44 25 employees.

1 Q. (BY MS. O'DRISCOLL) Have you ever seen a  
2 corrective action that Chris has done for another center  
3 manager?

4 A. No.

16:44 5 Q. So you don't know, he could have very well done  
6 it the same way.

7 A. I'm saying, so then that goes against ECFMG  
8 policies, that if the policies are to do corrective  
9 actions and all employees are to be treated the same and  
16:44 10 fairly, then why are -- why am I treated differently? I  
11 don't know about anyone else. I'm saying how I had to  
12 do corrective actions, and I --

13 Q. You're a center manager; correct?

14 A. I am a center manager, and that should be done  
16:44 15 the same corrective action, I believe, on the same forms  
16 that any other -- I'm still an employee.

17 Q. But you don't know if other center managers  
18 received corrective actions in this format is what I'm  
19 asking.

16:44 20 You don't know that?

21 A. No --

22 Q. Okay.

23 A. This doesn't even say corrective action. It  
24 says, "Concerns," so I'm thinking this is just a memo.

16:45 25 Q. Well, and this is a memo detailing concerns and



1 expectations going forward that -- that you received,  
2 even prior to going out on leave; correct?

3 A. That is correct. And the -- and then you will  
4 see my -- my responses are in the different colors.

16:45 5 Q. And so it appears -- and tell me if I'm  
6 right -- the black font is Chris' font; correct?

7 A. Yes.

8 Q. And then your response is in red.

9 A. Yes.

16:45 10 Q. And then he responded to your red in blue.

11 A. Yes.

12 Q. And then it looks like you responded back in  
13 between there in red, as well.

14 So this -- this memorandum, which is dated  
16:45 15 August 23rd, 2012; correct?

16 A. Yes.

17 Q. This is the result of an e-mail exchange back  
18 and forth between you and Mr. Paul and a number of  
19 issues that were going on with staffing and -- and the  
16:46 20 retrofit -- fit leading up to August 23rd; correct?

21 A. I guess we need to go through it, because, no.

22 Q. Sure. I mean, if you -- if you look at -- in  
23 the bottom where it talks about examples of ineffective  
24 performance management and staff leadership, number 1 is  
16:46 25 "Substantial turnover in the last ten months, including

1                   You already said this is your handwriting;  
2 correct?

3           A. That is correct.

4           Q. And when this was written, were you -- were you  
17:38 5 writing it on or about that -- those days in March?

6           A. Yes.

7           Q. Or did you write it at some later time and --  
8 and say, "Oh, I was thinking this back during that  
9 time"?

17:38 10          A. No.

11          Q. So you wrote it in March?

12          A. Yes.

13          Q. Okay. And is this part of a -- a bigger  
14 notebook somewhere, where it has thoughts about Chris or  
17:38 15 thoughts about anything that would be in any way related  
16 to this litigation?

17          A. No.

18          Q. So these are all the pages that you have?

19          A. Yes.

17:38 20          Q. Okay. Look on the last page, Ellis 129, number  
21 3 says, "Wednesday (March 7, 2012) You made a very  
22 inappropriate comment by referencing I was a" -- "a"  
23 wicked "witch from the west." I know that -- that's one  
24 of the names that you mentioned that you felt like were  
17:39 25 inappropriate.

1 Can you think of anything else that Chris  
2 said that you believed to be inappropriate?

3 A. I think some of this was cut off.

4 Q. Okay. I'm glad you asked that -- or stated  
17:40 5 that.

6 On -- so on 0129, you think that was cut  
7 off?

8 A. Yes. Yes, at the bottom.

9 Q. Do you -- do you still have the original, or  
17:40 10 did you give the original to your lawyer such that we  
11 can get a complete copy of that?

12 MR. KENNARD: We're going to -- I'll have  
13 to look.

14 MS. O'DRISCOLL: Okay.

17:40 15 MR. KENNARD: I'll figure it out.

16 MS. O'DRISCOLL: Okay.

17 (A request for information made.)

18 MR. KENNARD: Leave a blank in the  
19 deposition for that. I'll be happy to do that.

17:41 20 MS. O'DRISCOLL: Okay.

21 Q. (BY MS. O'DRISCOLL) I'll mark as Exhibit 34  
22 Ellis 024 -- 224 through 228.

23 (Exb. No. 34 was marked.)

24 Q. (BY MS. O'DRISCOLL) You talk about some of  
17:42 25 Chris's remarks in this EEOC charge.

1 This is what you filed with the EEOC?

2 A. Can you give me a Bates number, please?

3 Q. Ellis 224 through 226.

4 A. Can you be a little bit more specific on which  
17:43 5 one you're talking about?

6 Q. Well, in the very beginning, you're talking  
7 about Chris and making inappropriate remarks, and you --  
8 you -- you reference calling Ms. Ellis a bad witch and  
9 that she would melt. "'I must pay you too much money'  
17:43 10 because of the car she drives."

11 These remarks are all centered around --  
12 around racial issues. And you mentioned race earlier.

13 There aren't any other comments or remarks  
14 other than what are -- are mentioned here; correct?

17:43 15 A. There were several other different remarks that  
16 he made just -- there -- there were several that we had  
17 to endure, like the one that I will make sure that I get  
18 you when you're down, I'll step on you when -- when  
19 you're down.

17:44 20 Q. And is there anything else that you can think  
21 of?

22 A. There were -- there were several. I can't -- I  
23 mean, no, I can't think of all of them, but I made  
24 reports. I reported them as they came up. So to come  
17:44 25 here four years -- nearly four years later on all of

1       them, I can't think of all of them.

2               Q.   Who do you believe discriminated against you on  
3       the basis of disability?

4               A.   The -- the people?

17:45 5               Q.   Yes.

6               A.   I believe Chris Paul.

7               Q.   Anyone else?

8               A.   I mean, he worked with Nancy and Betty. I  
9       believe that Betty just was given information. I  
17:45 10      don't -- I think she just, you know, had to kind of try  
11      to be as -- I think she -- she tried to be neutral --  
12      mutual, I'm sorry -- but I think she just end up going  
13      along with -- with what she -- Chris was the director,  
14      and she was a director at that time, and then Nancy was  
17:45 15      a director. So I was just a manager, and it was two of  
16      them against me.

17              Q.   And -- and what -- you mentioned Chris, you  
18      mentioned Nancy, you said that Betty was facilitating  
19      information.

17:46 20                       What do you believe one or any of those  
21      individuals did that you believe to have been  
22      discriminatory towards you?

23              A.   I -- I believe that Chris knew that I had been  
24      out on medical leave several times, and he just  
17:46 25      completely saw an opportunity to -- he said, "I'm going

1 to get" -- you know, he was out to get me, and he saw  
2 that opportunity to get -- get me while, you know, he  
3 said, while you're down. So from the onset, he said  
4 that he -- he, you know, had these remarks that he would  
17:46 5 make and comments that were kind of off-putting. And  
6 his plan on his part was to -- to get me. And so with  
7 my disability, I believe that that was just an  
8 opportunity.

9 He knew I had had brain surgery, he had  
17:47 10 came into the office and he was, you know, finding any  
11 way, having closed-door meetings, he was saying I was  
12 related to people, I was having sex with all the guys in  
13 the office, going in, saying, I know, you know, you can  
14 tell me, she's sleeping with you, I know she is, I'm not  
17:47 15 going to say anything, just go ahead on and tell me.  
16 That's -- that wasn't me. That was --

17 Q. Who told you that he said that?

18 A. The employees were calling me telling me.

19 Q. But which employees?

17:47 20 A. Myron Williams.

21 Q. Anyone else?

22 A. Kenneth Rhome. And it just so happened that he  
23 was asking the black men were they sleeping with me.

24 Q. Did anybody else --

17:47 25 A. David Strom had called me saying that he

1 Q. (BY MS. O'DRISCOLL) So Exhibit 40, this is the  
2 ECFMG handbook produced, ECFMG 316 through 355.

3 (Exb. No. 40 was marked.)

4 Q. (BY MS. O'DRISCOLL) Do you recall having this  
18:37 5 handbook while you were employed at ECFMG?

6 A. Yes.

7 Q. And this handbook references a number of  
8 different policies in addition to the -- to the separate  
9 copies of policies that we talked about earlier;  
18:37 10 correct?

11 A. Correct.

12 Q. And -- and you understood that based on the  
13 policies as well as the handbook, that ECFMG is an equal  
14 opportunity employer and has policies against  
18:37 15 discriminating on basis of disability and other  
16 protected -- protected basis; correct?

17 A. Yes.

18 Q. Okay. And you also understood that procedures  
19 related to FMLA were contained in the handbook?

18:38 20 A. I did know FMLA was in the handbook.

21 Q. You know, I gave you the wrong copy. Let me --  
22 sorry. That one's highlighted. I apologize. I'll  
23 just -- I thought I had one highlighted, and I was  
24 thinking I imagined it.

18:38 25 Okay. Sorry. And I apologize. I

1 interrupted you.

2 Did -- what were you saying?

3 A. No, I did know that FMLA was in the handbook.

4 Q. Okay. And then also the policy related to  
18:38 5 employment of relatives is also touched on in the  
6 handbook; correct?

7 A. Yes.

8 Q. And you understood that if you for some reason  
9 didn't understand a policy or needed clarification on a  
18:39 10 policy, that you could always contact center management  
11 in Philadelphia and talk to Betty or anyone else in  
12 management; correct?

13 A. Human resource?

14 Q. Yes.

18:39 15 A. Yes.

16 Q. Have you asked anybody to be a witness in this  
17 case on your behalf?

18 A. On the -- the list. I just gave the list to my  
19 lawyer. Possible witness, but I have not talked to  
18:40 20 anyone about being a witness.

21 Q. Okay. And the list that you're referring to is  
22 that -- the list that we talked about a few minutes ago  
23 that had David listed and Rupa; is that right?

24 A. A list of witnesses, yes.

18:40 25 Q. And -- did you know Rupa from a -- a prior



1 employment?

2 A. Yes.

3 Q. And did Betty Hite ever talk to you about the  
4 importance -- after Rupa was hired, about the importance  
18:41 5 of sharing that -- if you'd known someone from a prior  
6 employment or prior relationship that you should always  
7 share that information?

8 A. She did, but Sharon Trowell knew that I knew  
9 Rupa.

18:41 10 Q. But Betty did talk to you about that?

11 A. Betty did talk to me about that. So prior to  
12 Rupa coming to work there, HR knew that I knew Rupa.  
13 And when I was asked to do a reference, I told them that  
14 I did not want to do a reference with Rupa because it  
18:41 15 had been over ten years since I had even seen or talked  
16 to Rupa.

17 Q. Okay. And do you remember what year Rupa was  
18 hired?

19 A. I don't remember what year Rupa was hired.

18:42 20 Q. Oh, and I just wanted to clarify. Rupa had you  
21 listed as a reference and they asked you to be a  
22 reference, to see if you wanted to offer a reference and  
23 you said I -- you declined?

24 A. I don't know if she had me listed as a  
18:42 25 reference.

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1 Q. So did the director of human resources hand you  
2 any document for you to fill out requesting an  
3 accommodation on the workplace?

4 A. No.

19:01 5 Q. Did she tell you that you needed to submit some  
6 sort of document or documentation in order to get an  
7 accommodation in the workplace on or after October of  
8 2012?

9 A. No.

19:01 10 I also told Sharon Trowell.

11 Q. Okay.

12 A. And Chris Paul.

13 Q. Did any of those individuals offer you  
14 documentation for you to submit so that you could  
19:01 15 request an accommodation in the workplace on or after  
16 October of 2012?

17 A. No.

18 Q. Did any of them advise you that you needed to  
19 submit some written form of documentation in order to  
19:01 20 formally request an accommodation in the workplace on or  
21 after October of 2012?

22 A. No.

23 Q. You testified earlier that you believe you and  
24 Chris had a personality conflict.

19:01 25 Can you tell the ladies and gentlemen of

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1 the jury why you believe he had a personal --  
2 personality conflict with you?

3 A. I believe because -- as I testified earlier,  
4 because I was an African-American woman, I was strong  
19:02 5 and confident, and I just believe that he strongly just  
6 went against me from the very beginning. When he did  
7 not know me, he called me names. He stated he was  
8 going -- he was out to get me, he paid me too much money  
9 because I drove an old Lexus. I don't know what that  
19:02 10 was about, but he just made comments after comments.

11 Q. How did he treat you once he was aware that you  
12 had medical issues?

13 A. He said he was out to get me. He made remarks  
14 that was off-putting.

19:03 15 Q. Did he then treat you better or even worse once  
16 he realized you had medical issues?

17 MS. O'DRISCOLL: Objection. Form.

18 A. I think he treated me worse.

19 Q. (BY MR. KENNARD) Okay.

19:03 20 A. And everything that I put in place at the  
21 Houston center, he undid.

22 Q. Okay. And what was his position?

23 A. Center director.

24 Q. So you reported to him?

19:03 25 A. I reported to him.

1 did anyone request your password from you?

2 A. No.

3 Q. Okay. At any time while you were not on  
4 medical leave, do you recall giving any of your  
19:05 5 passwords to anybody?

6 A. Yes.

7 MS. O'DRISCOLL: Objection. Form.

8 Q. (BY MR. KENNARD) Okay. Tell me who.

9 A. Bea Bright Davies.

19:05 10 Q. Tell me why.

11 A. My direct supervisor told me to give her my  
12 password so that they can do some updates.

13 Q. Okay. And who was your direct supervisor at  
14 the time?

19:05 15 A. Chris Paul.

16 Q. Okay. Is it your testimony that the same  
17 individual that wrote you up for giving away a password  
18 at one time asked you to give your password away?

19 A. Yes.

19:05 20 MS. O'DRISCOLL: Objection. Form.

21 Q. (BY MR. KENNARD) While you were out on medical  
22 leave, did any of your supervisors reach out to you?

23 A. Yes.

24 Q. Tell me who.

19:06 25 A. Chris Paul.

1 Q. Why?

2 A. To come in to sit in on the assistant manager  
3 interviews.

4 Q. Did he know that you were out on medical leave?

19:06 5 A. Yes.

6 Q. As far as you understand, were you supposed to  
7 be contacted with work-related matters while you were  
8 out on medical leave?

9 A. Repeat.

19:06 10 Q. Do you believe that you should have been  
11 contacted, or do you believe -- strike that.

12 Do you believe that you should have been  
13 contacted by a supervisor regarding work-related  
14 activities while you were out on medical leave?

19:07 15 A. No.

16 Q. Earlier, Ms. O'Driscoll asked you about --  
17 asked you to review some information from a TWC  
18 transcript.

19 Do you remember that?

19:07 20 A. Yes.

21 Q. Okay. Do you agree with the contents that were  
22 in that transcript?

23 MS. O'DRISCOLL: Objection. Form.

24 Q. (BY MR. KENNARD) I.e., do you remember having  
19:07 25 made those statements?

1 MS. O'DRISCOLL: Objection. Form.

2 Q. (BY MR. KENNARD) You can answer the question.

3 A. I don't remember making those statements.

4 Q. Okay. So it's possible that you made those  
19:08 5 statements since they appeared on the transcript, but  
6 you don't personally remember having made those  
7 statements.

8 Is that your testimony?

9 A. That is my testimony.

10 Q. Okay. To the extent you're confused or don't  
11 recall certain statements that you allegedly made, can  
12 you explain to the ladies and gentlemen of the jury why,  
13 in your estimation, that might be the case?

14 MS. O'DRISCOLL: Objection. Form. Calls  
19:08 15 for a medical diagnosis.

16 Q. (BY MR. KENNARD) You can answer the question.

17 A. Time.

18 Q. Okay.

19 A. And having to look over it in such a short  
19:09 20 period at this particular time right now.

21 Q. Did your medical issues impact your memory at  
22 all?

23 MS. O'DRISCOLL: Objection. Form.

24 A. I would say yes.

19:09 25 Q. (BY MR. KENNARD) You did have brain surgery;

1 differently than your -- than the medication you were on  
2 back in 2012; correct? Is that what you're saying?

3 MR. KENNARD: Objection. Misleading as  
4 worded. Assumes facts.

19:17 5 Q. (BY MS. O'DRISCOLL) Well, let me put it this  
6 way. The testimony that you gave to the Texas Workforce  
7 Commission was under oath; correct?

8 A. That is correct.

9 Q. And as the transcript was written, as you  
19:17 10 stated earlier, you could have said -- you could have  
11 said those things, and -- and some things you may or may  
12 not recall.

13 A. That is correct.

14 Q. Okay. I'll just leave it at that, and we'll  
19:17 15 look to the transcript.

16 You testified earlier, when your counsel  
17 asked you a few questions about Ms. LeHew's daughter, I  
18 believe it's her stepdaughter?

19 A. Yes.

19:18 20 Q. How did you come to learn that -- that she had  
21 been hired to work at ECFMG?

22 A. I -- I knew Betty. We talked.

23 Q. And -- and when -- and when -- how did you come  
24 to learn that her daughter worked at ECFMG?

19:18 25 A. We just had a -- I mean, just conversing. I

1 don't know how that information just came out. It's  
2 just in, you know, conversing. I don't -- I don't  
3 recall who told me or how it came out.

4 Q. Well, I mean, did Betty tell you, or did some  
19:18 5 other person tell you?

6 A. I -- I don't recall. Betty may have told me.

7 Q. Do you recall what position her stepdaughter  
8 worked in?

9 A. She worked in HR and I believe she was a temp  
19:19 10 and Betty shared that in our -- in my unemployment  
11 hearing.

12 Q. And you believe that her step -- that Betty's  
13 stepdaughter was a temp, is that what you said, that  
14 worked in HR?

19:19 15 A. I believe she was a temp originally.

16 Q. And do you have any knowledge as to whether or  
17 not it was a -- a summer job?

18 A. She was employed at ECFMG. I don't know if she  
19 worked in the summer or if she worked part time. I  
19:19 20 don't know.

21 Q. Do you have any knowledge as to whether or not  
22 it was a -- a summer job for a person who was in -- in  
23 school at the time?

24 A. It's against the policy, according to ECFMG  
19:19 25 policy.



1 Q. That's not answering my question.

2 Do you know whether or not the position  
3 that -- that Betty's daughter was working, her  
4 stepdaughter, if she was working, if it was a summer job  
19:20 5 for a student? Do you know?

6 A. I don't know.

7 Q. Okay. And do you know if -- prior to her  
8 daughter being hired for the summer, do you know if  
9 Betty went to management and asked for clearance on this  
19:20 10 prior to her being hired?

11 A. I don't know.

12 Q. So you don't have any of the details  
13 surrounding any discussions that took place with  
14 management related to hiring Betty's daughter for the  
19:20 15 summer?

16 A. I -- I don't know if she worked for the summer.

17 Q. And -- and do you know how long she worked?

18 A. I -- I don't know.

19 Q. And do you know if there were -- do you know  
19:20 20 who her daughter reported to while she was working for  
21 ECFMG?

22 A. Betty was the director.

23 Q. But do you know if there was a manager that the  
24 daughter was -- her stepdaughter was reporting to?

19:21 25 A. Betty was the director of HR, so they all --

Artis Ellis

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ARTIS ELLIS

Page 2

I, ARTIS ELLIS, have read the foregoing  
deposition and hereby affix my signature that same is  
true and correct, except as noted above.



ARTIS ELLIS

1 THE STATE OF TEXAS:

2 COUNTY OF HARRIS:

3  
4 I, Peggy Ann Antone, Certified Shorthand  
5 Reporter in and for the State of Texas, do hereby  
6 certify that the facts stated by me in the caption  
7 hereto are true; that the foregoing deposition of ARTIS  
8 ELLIS, the witness hereinbefore named, was taken by me  
9 in machine shorthand, the said witness having been by me  
10 first duly cautioned and sworn under oath to tell the  
11 truth, the whole truth and nothing but the truth, and  
12 later transcribed from machine shorthand to typewritten  
13 form by me.

14 I further certify that the above and  
15 foregoing deposition, as set forth in typewriting, is a  
16 full, true and correct transcript of the proceedings had  
17 at the time of taking said deposition.

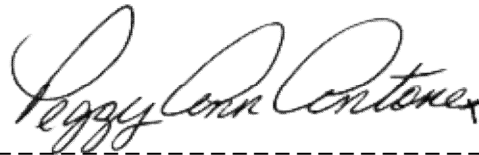
18 I further certify that I am neither  
19 attorney or counsel for, nor related to or employed by  
20 any of the parties to the action in which this  
21 deposition is taken, and further that I am not a  
22 relative or employee of any attorney or counsel employed  
23 by the parties hereto, or financially interested in the  
24 action.

25 I further certify that signature of the

1 witness was requested, and, if requested, the  
2 corrections/changes are attached.

3 I further certify that charges for the  
4 preparation of the foregoing completed deposition were \$  
5 \_\_\_\_\_ for the original thereof, charged to  
6 Attorney(s) for \_\_\_\_\_.

7 GIVEN under my hand and seal of office on  
8 this, the 20th day of May, 2016.

9  
10   
11 -----



12 Peggy Ann Antone, RMR, CRR

13 Notary Public, State of Texas

14 Commission expires 8/28/16

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